

Bill No. SB 1544



866008

CHAMBER ACTION

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

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

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

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

9 112.219--Public employee telecommuting programs.

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

11 (a) "Public employing entity" or "entity" means any state  
 12 government administrative unit listed in chapter 20 or the  
 13 Constitution of the State of Florida and also includes water  
 14 management districts, the Florida Senate, the Florida House of  
 15 Representatives, the Florida State Court System, the state

Bill No. SB 1544



866008

16 universities, the community colleges, or any other agency,  
17 commission, council, office, board, authority, department or  
18 official of state government.

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

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

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

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

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

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

Bill No. SB 1544



866008

44 schedule are acceptable given the needs of the entity and the  
45 ability of the employee to accomplish assigned state business.

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

49 (f) "On-site work location" means the office or location  
50 that an employing entity normally provides for its qualified  
51 telecommuting employee.

52 (2) Each public employing entity shall:

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

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

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

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

70 (a) Provide measurable financial benefits associated with  
71 reduced office space requirements, reductions in energy

Bill No. SB 1544



866008

72 consumption, and reductions in associated emissions of  
73 greenhouse gases resulting from telecommuting. Employing public  
74 entities operating in office space owned and/or managed by the  
75 Department of Management Services shall consult the facilities  
76 program to ensure its consistency with the strategic leasing  
77 plan required under 255.249 (3) (b).

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

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

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

89 (e) Provide that an employee is not currently under a  
90 performance improvement plan in order to participate in the  
91 program.

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

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

Bill No. SB 1544



866008

100 the installation and maintenance of any telephone equipment and  
101 ongoing communications costs at the telecommuting site which is  
102 to be used for official use only.

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

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

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

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

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

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

Bill No. SB 1544



866008

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

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

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

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

142 193.804 Assessment of solar energy devices.--

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

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

Bill No. SB 1544



866008

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

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

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

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

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

Bill No. SB 1544



866008

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

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

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

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

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

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



Bill No. SB 1544



866008

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

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

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

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

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

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

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

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

Bill No. SB 1544



866008

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

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

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

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

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

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

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

Bill No. SB 1544



866008

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

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

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

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

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

Bill No. SB 1544



866008

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

296           6. This paragraph expires July 1, 2010, except as it  
297 relates to wind turbines. The paragraph relating to wind  
298 turbines expires July 1, 2012.

299           Section 5. Subsections (1), (2), and (6) of section  
300 220.192, Florida Statutes, are amended to read:

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

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

304           (a) "Biodiesel" means biodiesel as defined in s.  
305 212.08(7)(ccc).

306           (b) "Eligible costs" means:

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

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

Bill No. SB 1544



866008

321 in the state, including, but not limited to, the costs of  
322 constructing, installing, and equipping such technologies in the  
323 state.

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

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

339 (c) "Ethanol" means ethanol as defined in s.  
340 212.08(7)(ccc).

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

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

345 (2) TAX CREDIT.--

346 (a) For tax years beginning on or after January 1, 2007, a  
347 credit against the tax imposed by this chapter shall be granted  
348 in an amount equal to the eligible costs. Credits may be used in

Bill No. SB 1544



866008

349 tax years beginning January 1, 2007, and ending December 31,  
350 2010, after which the credit shall expire. If the credit is not  
351 fully used in any one tax year because of insufficient tax  
352 liability on the part of the corporation, the unused amount may  
353 be carried forward and used in tax years beginning January 1,  
354 2007, and ending December 31, 2012, after which the credit  
355 carryover expires and may not be used. A taxpayer that files a  
356 consolidated return in this state as a member of an affiliated  
357 group under s. 220.131(1) may be allowed the credit on a  
358 consolidated return basis up to the amount of tax imposed upon  
359 the consolidated group. Any eligible cost for which a credit is  
360 claimed and which is deducted or otherwise reduces federal  
361 taxable income shall be added back in computing adjusted federal  
362 income under s. 220.13.

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

373 2. A taxpayer who files a consolidated return in this  
374 state as a member of an affiliated group under s. 220.131(1),  
375 may be allowed the credit on a consolidated return basis up to  
376 the amount of tax imposed upon the consolidated group. Any



377 eligible cost for which a credit is claimed and which is  
378 deducted or otherwise reduces federal taxable income shall be  
379 added back in computing adjusted federal income under s. 220.13.

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

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

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

Bill No. SB 1544



866008

405 portion of the federal energy tax credit with respect to the  
406 eligible costs.

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

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

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

418 Section 6. Paragraph (d) of subsection (3) of section  
419 255.249, Florida Statutes, is amended to read:

420 255.249 Department of Management Services; responsibility;  
421 department rules.--

422 (3)

423 (d) By June 30 of each year, each state agency shall  
424 annually provide to the department all information regarding  
425 agency programs affecting the need for or use of space by that  
426 agency, reviews of lease-expiration schedules for each  
427 geographic area, active and planned full-time equivalent data,  
428 business case analyses related to consolidation plans by an  
429 agency, telecommuting plans, and current occupancy and  
430 relocation costs, inclusive of furnishings, fixtures and  
431 equipment, data, and communications.



Bill No. SB 1544



866008

432 Section 7. Section 255.251, Florida Statutes, is amended  
433 to read:

434 255.251 Energy Conservation and Sustainable in Buildings  
435 Act; short title.--Sections 255.251-255.258 may ~~This act shall~~  
436 be cited as the "Florida Energy Conservation and Sustainable in  
437 Buildings Act ~~of 1974.~~"

438 Section 8. Section 255.252, Florida Statutes, is amended  
439 to read:

440 255.252 Findings and intent.--

441 (1) Operating and maintenance expenditures associated with  
442 energy equipment and with energy consumed in state-financed and  
443 leased buildings represent a significant cost over the life of a  
444 building. Energy conserved by appropriate building design not  
445 only reduces the demand for energy but also reduces costs for  
446 building operation. ~~For example, commercial buildings are~~  
447 ~~estimated to use from 20 to 80 percent more energy than would be~~  
448 ~~required if energy-conserving designs were used.~~ The size,  
449 design, orientation, and operability of windows, the ratio of  
450 ventilating air to air heated or cooled, the level of lighting  
451 consonant with space-use requirements, the handling of occupancy  
452 loads, and the ability to zone off areas not requiring  
453 equivalent levels of heating or cooling are but a few of the  
454 considerations necessary to conserving energy.

455 (2) Significant efforts are needed to build energy-  
456 efficient state-owned buildings that meet environmental  
457 standards and ~~underway by the General Services Administration,~~  
458 ~~the National Institute of Standards and Technology, and others~~  
459 ~~to detail the considerations and practices for energy~~

Bill No. SB 1544



866008

460 ~~conservation in buildings. Most important is that energy-~~  
461 ~~efficient designs~~ provide energy savings over the life of the  
462 building structure. ~~Conversely, energy-inefficient designs cause~~  
463 ~~excess and wasteful energy use and high costs over that life.~~  
464 With buildings lasting many decades and with energy costs  
465 escalating rapidly, it is essential that the costs of operation  
466 and maintenance for energy-using equipment and sustainable  
467 materials be included in all design proposals for state-owned  
468 state buildings.

469 (3) In order that such energy-efficiency and sustainable  
470 materials considerations become a function of building design,  
471 and also a model for future application in the private sector,  
472 it shall be the policy of the state that buildings constructed  
473 and financed by the state be designed and constructed in  
474 accordance with the United States Green Building Council (USGBC)  
475 Leadership in Energy and Environmental Design (LEED) rating  
476 system with a goal of meeting the Platinum level rating in a  
477 ~~manner which will minimize the consumption of energy used in the~~  
478 ~~operation and maintenance of such buildings.~~ It is further the  
479 policy of the state, when economically feasible, to retrofit  
480 existing state-owned buildings in a manner which will minimize  
481 the consumption of energy used in the operation and maintenance  
482 of such buildings.

483 (4) In addition to designing and constructing new  
484 buildings to be energy-efficient, it shall be the policy of the  
485 state to operate, maintain, and renovate existing state  
486 facilities, or provide for their renovation, in accordance with  
487 the United States Green Building Council's Leadership in Energy

Bill No. SB 1544



866008

488 and Environmental Design for Existing Buildings (LEED-EB) for  
489 smaller renovations, or the United States Green Building  
490 Council's Leadership in Energy and Environmental Design for New  
491 Construction (LEED-NC) for major renovations, with a goal of  
492 achieving the Platinum level in order to ~~in a manner which will~~  
493 minimize energy consumption and maximize building sustainability  
494 as well as ensure that facilities leased by the state are  
495 operated so as to minimize energy use. State government entities  
496 ~~Agencies~~ are encouraged to consider shared savings financing of  
497 such energy efficiency and conservation projects, using  
498 contracts which split the resulting savings for a specified  
499 period of time between the state government entity ~~agency~~ and  
500 the private firm or cogeneration contracts which otherwise  
501 permit the state to lower its net energy costs. Such energy  
502 contracts may be funded from the operating budget.

503 (5) Each state government entity occupying space within  
504 buildings owned or managed by the Department of Management  
505 Services must identify and compile a list of projects determined  
506 to be suitable for a guaranteed energy performance savings  
507 contract pursuant to s. 489.145. The list of projects compiled  
508 by each state government entity shall be submitted to the  
509 Department of Management Services by December 31, 2008, and must  
510 include all criteria used to determine suitability. The list of  
511 projects shall be developed from the list of state-owned  
512 facilities greater than 5,000 square feet in area and for which  
513 the state government entity is responsible for paying the  
514 expenses of utilities and other operating expenses as they  
515 relate to energy use. In consultation with each state government

Bill No. SB 1544



866008

516 entity executive officer, by July 1, 2009, the department shall  
517 prioritize all projects deemed suitable by each state government  
518 entity and shall develop an energy efficiency project schedule  
519 based on factors such as project magnitude, efficiency and  
520 effectiveness of energy conservation measures to be implemented,  
521 and other factors that may prove to be advantageous to pursue.  
522 The schedule shall provide the deadline for guaranteed energy  
523 performance savings contract improvements to be made to the  
524 state-owned buildings.

525 Section 9. Section 255.253, Florida Statutes, is amended  
526 to read:

527 255.253 Definitions; ss. 255.251-255.258.--

528 (1) "Department" means the Department of Management  
529 Services.

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

531 (3) "Energy performance index or indices" (EPI) means a  
532 number describing the energy requirements at the building  
533 boundary of a facility, per square foot of floor space or per  
534 cubic foot of occupied volume, as appropriate under defined  
535 internal and external ambient conditions over an entire seasonal  
536 cycle. As experience develops on the energy performance achieved  
537 with state building, the indices (EPI) will serve as a measure  
538 of building performance with respect to energy consumption.

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



866008

543 (5) "Shared savings financing" means the financing of  
544 energy conservation measures and maintenance services through a  
545 private firm which may own any purchased equipment for the  
546 duration of a contract, which may ~~shall~~ not exceed 10 years  
547 unless so authorized by the department. The ~~Such~~ contract shall  
548 specify that the private firm will be recompensed either out of  
549 a negotiated portion of the savings resulting from the  
550 conservation measures and maintenance services provided by the  
551 private firm or, in the case of a cogeneration project, through  
552 the payment of a rate for energy lower than would otherwise have  
553 been paid for the same energy from current sources.

554 (6) "State government entity" means any state government  
555 entity listed in chapter 20 or the State Constitution, and also  
556 includes water management districts, the Senate, the House of  
557 Representatives, the state court system, the State University  
558 System, the State Community College System, or any other agency,  
559 commission, council, office, board, authority, department, or  
560 official of state government.

561 (7) "Sustainable building" means a building that is  
562 healthy and comfortable for its occupants and is economical to  
563 operate while conserving resources, including energy, water, raw  
564 materials, and land, and minimizing the generation and use of  
565 toxic materials and waste in its design, construction,  
566 landscaping, and operation.

567 (8) "Sustainable building rating" means a rating  
568 established by the United States Green Building Council (USGBC)  
569 Leadership in Energy and Environmental Design (LEED) rating  
570 system.

Bill No. SB 1544



866008

571 Section 10. Section 255.254, Florida Statutes, is amended  
572 to read:

573 255.254 No facility constructed or leased without life-  
574 cycle costs.--

575 (1) A No state government entity may not ~~agency shall~~  
576 lease, construct, or have constructed, within limits prescribed  
577 herein, a facility without having secured from the department an  
578 ~~a proper~~ evaluation of life-cycle costs, ~~as computed by an~~  
579 ~~architect or engineer~~. Furthermore, construction shall proceed  
580 only upon disclosing to the department, for the facility chosen,  
581 the life-cycle costs as determined in s. 255.255, its  
582 sustainable building rating goal, and the capitalization of the  
583 initial construction costs of the building. The life-cycle costs  
584 and the sustainable building rating goal shall be ~~a~~ primary  
585 considerations ~~consideration~~ in the selection of a building  
586 design. ~~Such analysis shall be required only for construction of~~  
587 ~~buildings with an area of 5,000 square feet or greater~~. For  
588 leased buildings ~~areas~~ of 5,000 ~~20,000~~ square feet or greater  
589 within a given building boundary, an energy performance ~~a life-~~  
590 ~~cycle~~ analysis consisting of a projection of the annual energy  
591 consumption costs in dollars per square foot of major energy-  
592 consuming equipment and systems based on actual expenses, from  
593 the last three years, and projected forward for the term of the  
594 proposed lease shall be performed, and a lease shall ~~only~~ be  
595 made only if ~~where~~ there is a showing that the energy ~~life-cycle~~  
596 costs incurred by the state are minimal compared to available  
597 like facilities. Any building leased by the state from a  
598 private-sector vendor must include, as a part of the lease,

Bill No. SB 1544



866008

599 provisions for monthly energy use data to be collected and  
600 submitted monthly to the department by the owner of the  
601 building.

602 (2) On and after January 1, 1979, a ~~no~~ state government  
603 entity may not ~~agency shall~~ initiate construction or have  
604 construction initiated, prior to approval thereof by the  
605 department, on a facility or self-contained unit of any  
606 facility, the design and construction of which incorporates or  
607 contemplates the use of an energy system other than a solar  
608 energy system when the life-cycle costs analysis prepared by the  
609 department has determined that a solar energy system is the most  
610 cost-efficient energy system for the facility or unit.

611 (3) After September 30, 1985, when any state government  
612 entity ~~agency~~ must replace or supplement major items of energy-  
613 consuming equipment in existing state-owned or leased facilities  
614 or any self-contained unit of any facility with other major  
615 items of energy-consuming equipment, the selection of such items  
616 shall be made on the basis of a life-cycle cost analysis of  
617 alternatives in accordance with rules promulgated by the  
618 department under s. 255.255.

619 Section 11. Subsection (1) of section 255.255, Florida  
620 Statutes, is amended to read:

621 255.255 Life-cycle costs.--

622 (1) The department shall adopt ~~promulgate~~ rules and  
623 procedures, including energy conservation performance  
624 guidelines, based on sustainable building ratings, for  
625 conducting a life-cycle cost analysis of alternative  
626 architectural and engineering designs and alternative major

Bill No. SB 1544



866008

627 items of energy-consuming equipment to be retrofitted in  
628 existing state-owned or leased facilities and for developing  
629 energy performance indices to evaluate the efficiency of energy  
630 utilization for competing designs in the construction of state-  
631 financed ~~and leased~~ facilities.

632 Section 12. Section 255.257, Florida Statutes, is amended  
633 to read:

634 255.257 Energy management; buildings occupied by state  
635 government entities agencies.--

636 (1) ENERGY CONSUMPTION AND COST DATA.--Each state  
637 government entity agency shall collect data on energy  
638 consumption and cost. The data gathered shall be on state-owned  
639 facilities and metered state-leased facilities of 5,000 net  
640 square feet or more. These data will be used in the computation  
641 of the effectiveness of the state energy management plan and the  
642 effectiveness of the energy management program of each ~~of the~~  
643 state government entity agencies. Collected data shall be  
644 reported to the department annually in a format prescribed by  
645 the department.

646 (2) ENERGY MANAGEMENT COORDINATORS.--Each state government  
647 entity agency, ~~the Florida Public Service Commission, the~~  
648 ~~Department of Military Affairs, and the judicial branch~~ shall  
649 appoint a coordinator whose responsibility shall be to advise  
650 the head of the state government entity agency on matters  
651 relating to energy consumption in facilities under the control  
652 of that head or in space occupied by the various units  
653 comprising that state government entity agency, in vehicles  
654 operated by that state government entity agency, and in other



Bill No. SB 1544



866008

655 energy-consuming activities of the state government entity  
656 ~~agency~~. The coordinator shall implement the energy management  
657 program agreed upon by the state government entity ~~agency~~  
658 concerned and assist the department in the development of the  
659 State Energy Management Plan.

660 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The  
661 Department of Management Services shall ~~may~~ develop a state  
662 energy management plan consisting of, but not limited to, the  
663 following elements:

- 664 (a) Data-gathering requirements;  
665 (b) Building energy audit procedures;  
666 (c) Uniform data analysis procedures;  
667 (d) Employee energy education program measures;  
668 (e) Energy consumption reduction techniques;  
669 (f) Training program for state government entity ~~agency~~  
670 energy management coordinators; and  
671 (g) Guidelines for building managers.

672  
673 The plan shall include a description of the actions that each  
674 state government entity must take to reduce consumption of  
675 electricity and nonrenewable energy sources used for space  
676 heating and cooling, ventilation, lighting, water heating, and  
677 transportation. The state energy office shall provide technical  
678 assistance to the department in the development of the State  
679 Energy Management Plan.

680 (4) ENERGY AND ENVIRONMENTAL DESIGN.--

681 (a) Each state government entity shall adopt the standards  
682 of the United States Green Building Council's Leadership in

Bill No. SB 1544



866008

683 Energy and Environmental Design for New Construction (LEED-NC)  
684 for all new buildings, with a goal of achieving the LEED-NC  
685 Platinum level rating for each construction project.

686 (b) Each state government entity shall implement the  
687 United States Green Building Council's Leadership in Energy and  
688 Environmental Design for Existing Buildings (LEED-EB). A state  
689 governmental entity may prioritize implementation of LEED-EB  
690 standards in order to gain the greatest environmental benefit  
691 within existing budget for property management.

692 (c) A state government entity may not enter into a new  
693 leasing agreement for office space which does not meet Energy  
694 Star building standards, except when determined by the  
695 appropriate state government entity executive that no other  
696 viable or cost-effective alternative exists.

697 (d) Each state government entity shall develop energy-  
698 conservation measures and guidelines for new and existing office  
699 space if the state government entity occupies more than 5,000  
700 square feet. The conservation measures shall focus on programs  
701 that reduce energy consumption and, when established, provide a  
702 net reduction in occupancy costs.

703 Section 13. Section 286.275, Florida Statutes, is created  
704 to read:

705 286.275 .-- Section 286.28 Climate Friendly Public  
706 Business.--

707 (1) The legislature recognizes the importance of  
708 leadership by state government in the area of energy efficiency  
709 and in reducing the greenhouse gas emissions of state government  
710 operations. The following shall pertain to all state government

Bill No. SB 1544



866008

711 entities, as defined in this section, when conducting public  
712 business.

713 (a) The Department of Management Services shall develop  
714 the "Florida Climate Friendly Preferred Products List." In  
715 maintaining that list, the department in consultation with the  
716 Department of Environmental Protection, will continually assess  
717 products currently available for purchase under State Term  
718 Contracts to identify specific products and vendors that have  
719 clear energy efficiency or other environmental benefits over  
720 competing products. When procuring products from state term  
721 contracts, state government entities shall first consult the  
722 Florida Climate Friendly Preferred Products List and procure  
723 such products provided that the cost does not exceed by 5% the  
724 most cost effective alternative commodity not included on the  
725 list.

726 (b) Effective July 1, 2008, state government entities shall  
727 only contract for meeting and conference space with hotels or  
728 conference facilities that have received the "Green Lodging"  
729 designation from the Department of Environmental Protection for  
730 best practices in water, energy and waste efficiency standards,  
731 unless the responsible state government entity's chief executive  
732 officer makes a determination that no other viable alternative  
733 exists. The Department of Environmental Protection is authorized  
734 to adopt rules to implement the "Green Lodging" program.

735 (c) The Department of Environmental Protection is  
736 authorized to establish voluntary technical assistance programs  
737 in accordance with s. 403.074. Such programs may include the  
738 Clean Marinas, Clean Boatyards, Clean Retailers, Clean Boaters,

Bill No. SB 1544



866008

739 and Green Yards programs. The programs may include  
740 certifications, designations, or other forms of recognition.  
741 The Department is authorized to implement some or all of these  
742 programs through rulemaking, but need not implement any programs  
743 through rulemaking provided that they do not impose requirements  
744 on any person not wishing to participate in these programs. All  
745 state government entities shall patronize businesses that have  
746 received such certifications or designations to the greatest  
747 extent practical.

748 (d) Each state government entity shall assure that all  
749 maintained vehicles meet minimum maintenance schedules shown to  
750 reduce fuel consumption which includes assuring appropriate tire  
751 pressures and tread depth; replacing fuel filters and emission  
752 filters at recommended intervals; using proper motor oils; and  
753 performing timely motor maintenance. Each state government  
754 entity will measure and report compliance to the Department of  
755 Management Services through the Equipment Management Information  
756 System database.

757 (e) When procuring new vehicles, all state government  
758 entities shall first define the intended purpose for a vehicle  
759 and determine which of the following use classes the vehicle is  
760 being procured for:

- 761 1. State business travel, designated operator;
- 762 2. State business travel, pool operators;
- 763 3. Construction, agricultural or maintenance work;
- 764 4. Conveyance of passengers;
- 765 5. Conveyance of building or maintenance materials and  
766 supplies;

Bill No. SB 1544



866008

767 6. Off-road vehicles, motorcycles and all-terrain  
768 vehicles;

769 7. Emergency response; or

770 8. Other.

771 Vehicles in subparagraphs 1. through 8., when being processed  
772 for purchase or leasing agreements, must be selected for the  
773 greatest fuel efficiency available for a given use class when  
774 fuel economy data are available. Exceptions may be made for  
775 certain individual vehicles in subparagraph 7. when accompanied,  
776 during the procurement process, by documentation indicating  
777 that the operator or operators will exclusively be emergency  
778 first responders or have special documented need for exceptional  
779 vehicle performance characteristics. Any request for an  
780 exception must be approved by the purchasing entity's chief  
781 executive officer and any exceptional performance  
782 characteristics denoted as a part of the procurement process  
783 prior to purchase.

784 (f) All state government entities shall use ethanol and  
785 biodiesel blended fuels when available. State government  
786 entities administering central fueling operations for state-  
787 owned vehicles shall procure biofuels for fleet needs to the  
788 greatest extent practicable.

789 (2) When used in this section, the term "state government  
790 entity" means any state government entity listed in chapter 20  
791 or the Florida State Constitution and also includes water  
792 management districts, the Florida Senate, the Florida House of  
793 Representatives, the Florida State Court System, the State  
794 University System, the Community College System, or any other

Bill No. SB 1544



866008

795 agency, commission, council, office, board, authority,  
796 department or official of state government.

797 Section 14. Paragraph (b) of subsection (2) and subsection  
798 (5) of section 287.063, Florida Statutes, are amended to read:

799 287.063 Deferred-payment commodity contracts; preaudit  
800 review.--

801 (2)

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

806 1. No contract shall be approved in which interest exceeds  
807 the statutory ceiling contained in this section. However, the  
808 interest component of any master equipment financing agreement  
809 entered into for the purpose of consolidated financing of a  
810 deferred-payment, installment sale, or lease-purchase shall be  
811 deemed to comply with the interest rate limitation of this  
812 section so long as the interest component of every interagency  
813 agreement under such master equipment financing agreement  
814 complies with the interest rate limitation of this section.

815 2. No deferred-payment purchase for less than \$30,000  
816 shall be approved, unless it can be satisfactorily demonstrated  
817 and documented to the Chief Financial Officer that failure to  
818 make such deferred-payment purchase would adversely affect an  
819 agency in the performance of its duties. However, the Chief  
820 Financial Officer may approve any deferred-payment purchase if  
821 the Chief Financial Officer determines that such purchase is  
822 economically beneficial to the state.

Bill No. SB 1544



866008

823 ~~3. No agency shall obligate an annualized amount of~~  
824 ~~payments for deferred-payment purchases in excess of current~~  
825 ~~operating capital outlay appropriations, unless specifically~~  
826 ~~authorized by law or unless it can be satisfactorily~~  
827 ~~demonstrated and documented to the Chief Financial Officer that~~  
828 ~~failure to make such deferred-payment purchase would adversely~~  
829 ~~affect an agency in the performance of its duties.~~

830 3.4. No contract shall be approved which extends payment  
831 beyond 5 years, unless it can be satisfactorily demonstrated and  
832 documented to the Chief Financial Officer that failure to make  
833 such deferred-payment purchase would adversely affect an agency  
834 in the performance of its duties. The payment term may not  
835 exceed the useful life of the equipment unless the contract  
836 provides for the replacement or the extension of the useful life  
837 of the equipment during the term of the deferred payment  
838 contract.

839 (5) For purposes of this section, the annualized amount of  
840 any such deferred payment commodity contract must be supported  
841 from available recurring funds appropriated to the agency in an  
842 appropriation category, ~~other than the expense appropriation~~  
843 ~~category~~ as defined in chapter 216, that the Chief Financial  
844 Officer has determined is appropriate or that the Legislature  
845 has designated for payment of the obligation incurred under this  
846 section.

847 Section 15. Subsections (10) and (11) of section 287.064,  
848 Florida Statutes, are amended to read:

849 287.064 Consolidated financing of deferred-payment  
850 purchases.--



866008

851 (10) Costs incurred pursuant to a guaranteed energy  
852 performance savings contract, including the cost of energy  
853 conservation measures, each as defined in s. 489.145, may be  
854 financed pursuant to a master equipment financing agreement;  
855 however, the costs of training, operation, and maintenance may  
856 not be financed. The period of time for repayment of the funds  
857 drawn pursuant to the master equipment financing agreement under  
858 this subsection may exceed 5 years but may not exceed 20 ~~10~~  
859 years for energy conservation measures under s. 489.145,  
860 excluding the costs of training, operation, and maintenance. The  
861 guaranteed energy performance savings contractor shall provide  
862 for the replacement or the extension of the useful life of the  
863 equipment during the term of the contract.

864 (11) For purposes of consolidated financing of deferred  
865 payment commodity contracts under this section by a state  
866 agency, any such contract must be supported from available  
867 recurring funds appropriated to the agency in an appropriation  
868 category, ~~other than the expense appropriation category~~ as  
869 defined in chapter 216, that the Chief Financial Officer has  
870 determined is appropriate or that the Legislature has designated  
871 for payment of the obligation incurred under this section.

872 Section 16. Present paragraphs (a) through (n) of  
873 subsection (2) of section 288.1089, Florida Statutes, are  
874 redesignated as paragraphs (b) through (o), respectively, and a  
875 new paragraph (a) is added to that subsection, subsection (3) of  
876 that section is amended, and paragraph (d) is added to  
877 subsection (4) of that section, to read:

878 288.1089 Innovation Incentive Program.--





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

880 (a) "Alternative and renewable energy" means electrical,  
881 mechanical, or thermal energy produced from a method that uses  
882 one or more of the following fuels or energy sources: ethanol,  
883 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,  
884 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,  
885 or geothermal.

886 (3) To be eligible for consideration for an innovation  
887 incentive award, an innovation business, ~~or~~ research and  
888 development entity, or alternative and renewable energy project  
889 must submit a written application to Enterprise Florida, Inc.,  
890 before making a decision to locate new operations in this state  
891 or expand an existing operation in this state. The application  
892 must include, but not be limited to:

893 (a) The applicant's federal employer identification  
894 number, unemployment account number, and state sales tax  
895 registration number. If such numbers are not available at the  
896 time of application, they must be submitted to the office in  
897 writing prior to the disbursement of any payments under this  
898 section.

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

901 (c) A description of the type of business activity,  
902 product, or research and development undertaken by the  
903 applicant, including six-digit North American Industry  
904 Classification System codes for all activities included in the  
905 project.

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

Bill No. SB 1544



866008

907 (e) The total investment, from all sources, in the  
908 project.

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

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

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

917 (i) A detailed explanation of why the innovation incentive  
918 is needed to induce the applicant to expand or locate in the  
919 state and whether an award would cause the applicant to locate  
920 or expand in this state.

921 (j) If applicable, an estimate of the proportion of the  
922 revenues resulting from the project that will be generated  
923 outside this state.

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

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

929 1. Demonstrate a plan for significant higher education  
930 collaboration.

931 2. Provide the state, at a minimum, a break-even return on  
932 investment within a 20-year period.

933 3. Include matching funds provided by the applicant or  
934 other available sources. This requirement may be waived if the

Bill No. SB 1544



866008

935 office and the department determine that the merits of the  
936 individual project or the specific circumstances warrant such  
937 action.

938 Section 17. Subsections (1) and (7) and paragraphs (a) and  
939 (b) of subsection (8) of section 339.175, Florida Statutes, are  
940 amended to read:

941 339.175 Metropolitan planning organization.--

942 (1) PURPOSE.--It is the intent of the Legislature to  
943 encourage and promote the safe and efficient management,  
944 operation, and development of surface transportation systems  
945 that will serve the mobility needs of people and freight and  
946 foster economic growth and development within and through  
947 urbanized areas of this state while minimizing transportation-  
948 related fuel consumption, ~~and~~ air pollution, and greenhouse gas  
949 emissions through metropolitan transportation planning processes  
950 identified in this section. To accomplish these objectives,  
951 metropolitan planning organizations, referred to in this section  
952 as M.P.O.'s, shall develop, in cooperation with the state and  
953 public transit operators, transportation plans and programs for  
954 metropolitan areas. The plans and programs for each metropolitan  
955 area must provide for the development and integrated management  
956 and operation of transportation systems and facilities,  
957 including pedestrian walkways and bicycle transportation  
958 facilities that will function as an intermodal transportation  
959 system for the metropolitan area, based upon the prevailing  
960 principles provided in s. 334.046(1). The process for developing  
961 such plans and programs shall provide for consideration of all  
962 modes of transportation and shall be continuing, cooperative,

Bill No. SB 1544



866008

963 and comprehensive, to the degree appropriate, based on the  
964 complexity of the transportation problems to be addressed. To  
965 ensure that the process is integrated with the statewide  
966 planning process, M.P.O.'s shall develop plans and programs that  
967 identify transportation facilities that should function as an  
968 integrated metropolitan transportation system, giving emphasis  
969 to facilities that serve important national, state, and regional  
970 transportation functions. For the purposes of this section,  
971 those facilities include the facilities on the Strategic  
972 Intermodal System designated under s. 339.63 and facilities for  
973 which projects have been identified pursuant to s. 339.2819(4).

974 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
975 develop a long-range transportation plan that addresses at least  
976 a 20-year planning horizon. The plan must include both long-  
977 range and short-range strategies and must comply with all other  
978 state and federal requirements. The prevailing principles to be  
979 considered in the long-range transportation plan are: preserving  
980 the existing transportation infrastructure; enhancing Florida's  
981 economic competitiveness; and improving travel choices to ensure  
982 mobility. The long-range transportation plan must be consistent,  
983 to the maximum extent feasible, with future land use elements  
984 and the goals, objectives, and policies of the approved local  
985 government comprehensive plans of the units of local government  
986 located within the jurisdiction of the M.P.O. Each M.P.O. is  
987 encouraged to consider strategies that integrate transportation  
988 and land use planning to provide for sustainable development and  
989 reduce greenhouse gas emissions. The approved long-range  
990 transportation plan must be considered by local governments in

Bill No. SB 1544



866008

991 the development of the transportation elements in local  
992 government comprehensive plans and any amendments thereto. The  
993 long-range transportation plan must, at a minimum:

994 (a) Identify transportation facilities, including, but not  
995 limited to, major roadways, airports, seaports, spaceports,  
996 commuter rail systems, transit systems, and intermodal or  
997 multimodal terminals that will function as an integrated  
998 metropolitan transportation system. The long-range  
999 transportation plan must give emphasis to those transportation  
1000 facilities that serve national, statewide, or regional  
1001 functions, and must consider the goals and objectives identified  
1002 in the Florida Transportation Plan as provided in s. 339.155. If  
1003 a project is located within the boundaries of more than one  
1004 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
1005 in the long-range transportation plan.

1006 (b) Include a financial plan that demonstrates how the  
1007 plan can be implemented, indicating resources from public and  
1008 private sources which are reasonably expected to be available to  
1009 carry out the plan, and recommends any additional financing  
1010 strategies for needed projects and programs. The financial plan  
1011 may include, for illustrative purposes, additional projects that  
1012 would be included in the adopted long-range transportation plan  
1013 if reasonable additional resources beyond those identified in  
1014 the financial plan were available. For the purpose of developing  
1015 the long-range transportation plan, the M.P.O. and the  
1016 department shall cooperatively develop estimates of funds that  
1017 will be available to support the plan implementation. Innovative  
1018 financing techniques may be used to fund needed projects and

Bill No. SB 1544



866008

1019 programs. Such techniques may include the assessment of tolls,  
1020 the use of value capture financing, or the use of value pricing.

1021 (c) Assess capital investment and other measures necessary  
1022 to:

1023 1. Ensure the preservation of the existing metropolitan  
1024 transportation system including requirements for the operation,  
1025 resurfacing, restoration, and rehabilitation of major roadways  
1026 and requirements for the operation, maintenance, modernization,  
1027 and rehabilitation of public transportation facilities; and

1028 2. Make the most efficient use of existing transportation  
1029 facilities to relieve vehicular congestion and maximize the  
1030 mobility of people and goods.

1031 (d) Indicate, as appropriate, proposed transportation  
1032 enhancement activities, including, but not limited to,  
1033 pedestrian and bicycle facilities, scenic easements,  
1034 landscaping, historic preservation, mitigation of water  
1035 pollution due to highway runoff, and control of outdoor  
1036 advertising.

1037 (e) In addition to the requirements of paragraphs (a)-(d),  
1038 in metropolitan areas that are classified as nonattainment areas  
1039 for ozone or carbon monoxide, the M.P.O. must coordinate the  
1040 development of the long-range transportation plan with the State  
1041 Implementation Plan developed pursuant to the requirements of  
1042 the federal Clean Air Act.

1043  
1044 In the development of its long-range transportation plan, each  
1045 M.P.O. must provide the public, affected public agencies,  
1046 representatives of transportation agency employees, freight

Bill No. SB 1544



866008

1047 shippers, providers of freight transportation services, private  
1048 providers of transportation, representatives of users of public  
1049 transit, and other interested parties with a reasonable  
1050 opportunity to comment on the long-range transportation plan.  
1051 The long-range transportation plan must be approved by the  
1052 M.P.O.

1053 (8) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
1054 shall, in cooperation with the state and affected public  
1055 transportation operators, develop a transportation improvement  
1056 program for the area within the jurisdiction of the M.P.O. In  
1057 the development of the transportation improvement program, each  
1058 M.P.O. must provide the public, affected public agencies,  
1059 representatives of transportation agency employees, freight  
1060 shippers, providers of freight transportation services, private  
1061 providers of transportation, representatives of users of public  
1062 transit, and other interested parties with a reasonable  
1063 opportunity to comment on the proposed transportation  
1064 improvement program.

1065 (a) Each M.P.O. is responsible for developing, annually, a  
1066 list of project priorities and a transportation improvement  
1067 program. The prevailing principles to be considered by each  
1068 M.P.O. when developing a list of project priorities and a  
1069 transportation improvement program are: preserving the existing  
1070 transportation infrastructure; enhancing Florida's economic  
1071 competitiveness; and improving travel choices to ensure  
1072 mobility. The transportation improvement program will be used to  
1073 initiate federally aided transportation facilities and  
1074 improvements as well as other transportation facilities and

Bill No. SB 1544



866008

1075 improvements including transit, rail, aviation, spaceport, and  
1076 port facilities to be funded from the State Transportation Trust  
1077 Fund within its metropolitan area in accordance with existing  
1078 and subsequent federal and state laws and rules and regulations  
1079 related thereto. The transportation improvement program shall be  
1080 consistent, to the maximum extent feasible, with the approved  
1081 local government comprehensive plans of the units of local  
1082 government whose boundaries are within the metropolitan area of  
1083 the M.P.O. and include those projects programmed pursuant to s.  
1084 339.2819(4).

1085 (b) Each M.P.O. annually shall prepare a list of project  
1086 priorities and shall submit the list to the appropriate district  
1087 of the department by October 1 of each year; however, the  
1088 department and a metropolitan planning organization may, in  
1089 writing, agree to vary this submittal date. The list of project  
1090 priorities must be formally reviewed by the technical and  
1091 citizens' advisory committees, and approved by the M.P.O.,  
1092 before it is transmitted to the district. The approved list of  
1093 project priorities must be used by the district in developing  
1094 the district work program and must be used by the M.P.O. in  
1095 developing its transportation improvement program. The annual  
1096 list of project priorities must be based upon project selection  
1097 criteria that, at a minimum, consider the following:

- 1098 1. The approved M.P.O. long-range transportation plan;
- 1099 2. The Strategic Intermodal System Plan developed under s.  
1100 339.64.
- 1101 3. The priorities developed pursuant to s. 339.2819(4).



Bill No. SB 1544



866008

- 1102 4. The results of the transportation management systems;  
1103 ~~and~~  
1104 5. The M.P.O.'s public-involvement procedures; ~~and-~~  
1105 6. To provide for sustainable growth and reduce greenhouse  
1106 gas emissions.

1107 Section 18. Section 366.82, Florida Statutes, is amended  
1108 to read:

1109 366.82 Definition; goals; plans; programs; annual reports;  
1110 energy audits.--

1111 (1) For the purposes of ss. 366.80-366.85 and 403.519,  
1112 "utility" means any person or entity of whatever form which  
1113 provides electricity or natural gas at retail to the public,  
1114 specifically including municipalities or instrumentalities  
1115 thereof and cooperatives organized under the Rural Electric  
1116 Cooperative Law and specifically excluding any municipality or  
1117 instrumentality thereof, any cooperative organized under the  
1118 Rural Electric Cooperative Law, or any other person or entity  
1119 providing natural gas at retail to the public whose annual sales  
1120 volume is less than 100 million therms or any municipality or  
1121 instrumentality thereof and any cooperative organized under the  
1122 Rural Electric Cooperative Law providing electricity at retail  
1123 to the public whose annual sales as of July 1, 1993, to end-use  
1124 customers is less than 2,000 gigawatt hours.

1125 (2) The commission shall adopt appropriate goals for  
1126 increasing the efficiency of energy consumption and increasing  
1127 the development of cogeneration, specifically including goals  
1128 designed to increase the conservation of expensive resources,  
1129 such as petroleum fuels, to reduce and control the growth rates

Bill No. SB 1544



866008

1130 of electric consumption, and to reduce the growth rates of  
1131 weather-sensitive peak demand. The Executive Office of the  
1132 Governor shall be a party in the proceedings to adopt goals. The  
1133 commission may change the goals for reasonable cause. The time  
1134 period to review the goals, however, must ~~shall~~ not exceed 5  
1135 years. After the programs and plans to meet those goals are  
1136 completed, the commission shall determine what further goals,  
1137 programs, or plans are warranted and, if so, shall adopt them.

1138 (3) The commission shall publish a notice of proposed  
1139 rulemaking no later than July 1, 2009, requiring utilities to  
1140 offset 20 percent of their annual load-growth through energy  
1141 efficiency and conservation measures thereby constituting an  
1142 energy efficiency portfolio standard. The commission may allow  
1143 efficiency investments across generation, transmission, and  
1144 distribution as well as efficiencies within the user base. As  
1145 part of the implementation rules, the commission shall create an  
1146 in-state market for tradable credits enabling those utilities  
1147 that exceed the standard to sell credits to those that cannot  
1148 meet the standard for a given year. This efficiency standard is  
1149 separate from and exclusive of the renewable portfolio standard  
1150 that requires electricity providers to obtain a minimum  
1151 percentage of their power from renewable energy resources.

1152 (4) ~~(3)~~ Following adoption of goals pursuant to subsection  
1153 (3) ~~(2)~~, the commission shall require each utility to develop  
1154 plans and programs to meet the overall goals within its service  
1155 area. If any plan or program includes loans, collection of  
1156 loans, or similar banking functions by a utility and the plan is  
1157 approved by the commission, the utility shall perform such

Bill No. SB 1544



866008

1158 functions, notwithstanding any other provision of the law. The  
1159 commission may pledge up to \$5 million of the Florida Public  
1160 Service Regulatory Trust Fund to guarantee such loans. However,  
1161 no utility shall be required to loan its funds for the purpose  
1162 of purchasing or otherwise acquiring conservation measures or  
1163 devices, but nothing herein shall prohibit or impair the  
1164 administration or implementation of a utility plan as submitted  
1165 by a utility and approved by the commission under this  
1166 subsection. If the commission disapproves a plan, it shall  
1167 specify the reasons for disapproval, and the utility whose plan  
1168 is disapproved shall resubmit its modified plan within 30 days.  
1169 Prior approval by the commission shall be required to modify or  
1170 discontinue a plan, or part thereof, which has been approved. If  
1171 any utility has not implemented its programs and is not  
1172 substantially in compliance with the provisions of its approved  
1173 plan at any time, the commission shall adopt programs required  
1174 for that utility to achieve the overall goals. Utility programs  
1175 may include variations in rate design, load control,  
1176 cogeneration, residential energy conservation subsidy, or any  
1177 other measure within the jurisdiction of the commission which  
1178 the commission finds likely to be effective; this provision  
1179 shall not be construed to preclude these measures in any plan or  
1180 program.

1181 (5)~~(4)~~ The commission shall require periodic reports from  
1182 each utility and shall provide the Legislature and the Governor  
1183 with an annual report by March 1 of the goals it has adopted and  
1184 its progress toward meeting those goals. The commission shall  
1185 also consider the performance of each utility pursuant to ss.

Bill No. SB 1544



866008

1186 366.80-366.85 and 403.519 when establishing rates for those  
1187 utilities over which the commission has ratesetting authority.

1188 (6) The commission shall require municipal and cooperative  
1189 utilities that are exempt from the Florida Energy Efficiency and  
1190 Conservation Act to submit an annual report to the commission  
1191 identifying energy efficiency and conservation goals and the  
1192 actions taken to meet those goals.

1193 (7)~~(5)~~ The commission shall require each utility to offer,  
1194 or to contract to offer, energy audits to its residential  
1195 customers. This requirement need not be uniform, but may be  
1196 based on such factors as level of usage, geographic location, or  
1197 any other reasonable criterion, so long as all eligible  
1198 customers are notified. The commission may extend this  
1199 requirement to some or all commercial customers. The commission  
1200 shall set the charge for audits by rule, not to exceed the  
1201 actual cost, and may describe by rule the general form and  
1202 content of an audit. In the event one utility contracts with  
1203 another utility to perform audits for it, the utility for which  
1204 the audits are performed shall pay the contracting utility the  
1205 reasonable cost of performing the audits. Each utility over  
1206 which the commission has ratesetting authority shall estimate  
1207 its costs and revenues for audits, conservation programs, and  
1208 implementation of its plan for the immediately following 6-month  
1209 period. Reasonable and prudent unreimbursed costs projected to  
1210 be incurred, or any portion of such costs, may be added to the  
1211 rates which would otherwise be charged by a utility upon  
1212 approval by the commission, provided that the commission shall  
1213 not allow the recovery of the cost of any company image-

Bill No. SB 1544



866008

1214 enhancing advertising or of any advertising not directly related  
1215 to an approved conservation program. Following each 6-month  
1216 period, each utility shall report the actual results for that  
1217 period to the commission, and the difference, if any, between  
1218 actual and projected results shall be taken into account in  
1219 succeeding periods. The state plan as submitted for  
1220 consideration under the National Energy Conservation Policy Act  
1221 shall not be in conflict with any state law or regulation.

1222 (8)~~(6)~~(a) Notwithstanding the provisions of s. 377.703,  
1223 the commission shall be the responsible state agency for  
1224 performing, coordinating, implementing, or administering the  
1225 functions of the state plan submitted for consideration under  
1226 the National Energy Conservation Policy Act and any acts  
1227 amendatory thereof or supplemental thereto and for performing,  
1228 coordinating, implementing, or administering the functions of  
1229 any future federal program delegated to the state which relates  
1230 to consumption, utilization, or conservation of electricity or  
1231 natural gas; and the commission shall have exclusive  
1232 responsibility for preparing all reports, information, analyses,  
1233 recommendations, and materials related to consumption,  
1234 utilization, or conservation of electrical energy which are  
1235 required or authorized by s. 377.703.

1236 (b) The Executive Office of the Governor shall be a party  
1237 in the proceedings to adopt goals and shall file with the  
1238 commission comments on the proposed goals including, but not  
1239 limited to:

Bill No. SB 1544



866008

1240 1. An evaluation of utility load forecasts, including an  
1241 assessment of alternative supply and demand side resource  
1242 options.

1243 2. An analysis of various policy options which can be  
1244 implemented to achieve a least-cost strategy.

1245 ~~(9)(7)~~ The commission shall establish all minimum  
1246 requirements for energy auditors used by each utility. The  
1247 commission is authorized to contract with any public agency or  
1248 other person to provide any training, testing, evaluation, or  
1249 other step necessary to fulfill the provisions of this  
1250 subsection.

1251 (10) The commission shall immediately initiate rulemaking  
1252 to allow utilities to install solar hot water systems and other  
1253 renewable energy efficient technologies in residential homes and  
1254 commercial facilities while retaining ownership of the systems.  
1255 Utility expenditures for this purpose shall be placed in the  
1256 utility's rate base as a capital investment. In applying this  
1257 provision, the commission may provide for accelerated  
1258 depreciation. The utilities may apply the credits for the  
1259 investment in the solar hot water systems or other renewable  
1260 energy efficient technologies to their renewable portfolio  
1261 standard or their energy efficiency portfolio standard as  
1262 determined in subsection (3).

1263 Section 19. Paragraph (d) of subsection (1) of section  
1264 366.8255, Florida Statutes, is amended to read:

1265 366.8255 Environmental cost recovery.--

1266 (1) As used in this section, the term:

Bill No. SB 1544



866008

1267 (d) "Environmental compliance costs" includes all costs or  
1268 expenses incurred by an electric utility in complying with  
1269 environmental laws or regulations, including but not limited to:

1270 1. Inservice capital investments, including the electric  
1271 utility's last authorized rate of return on equity thereon;

1272 2. Operation and maintenance expenses;

1273 3. Fuel procurement costs;

1274 4. Purchased power costs;

1275 5. Emission allowance costs;

1276 6. Direct taxes on environmental equipment; ~~and~~

1277 7. Costs or expenses prudently incurred by an electric  
1278 utility pursuant to an agreement entered into on or after the  
1279 effective date of this act and prior to October 1, 2002, between  
1280 the electric utility and the Florida Department of Environmental  
1281 Protection or the United States Environmental Protection Agency  
1282 for the exclusive purpose of ensuring compliance with ozone  
1283 ambient air quality standards by an electrical generating  
1284 facility owned by the electric utility;

1285 8. Costs or expenses prudently incurred for scientific  
1286 research and geological assessments of carbon capture and  
1287 storage for the purpose of reducing an electric utility's  
1288 greenhouse gas emissions as defined in s. 403.44 when such costs  
1289 or expenses are incurred in joint research projects with this  
1290 state's government agencies and universities; and

1291 9. Costs or expenses prudently incurred for the  
1292 quantification, reporting, and verification of greenhouse gas  
1293 emissions by third parties as required for participation in  
1294 emission registries.

Bill No. SB 1544



866008

1295 Section 20. Section 377.601, Florida Statutes, is amended  
1296 to read:

1297 377.601 Legislative intent.--

1298 (1) The Legislature finds that this state's energy  
1299 security can be increased by lessening dependence on foreign  
1300 oil, that the impacts of global climate change can be reduced  
1301 through the reduction of greenhouse gas emissions, and that the  
1302 implementation of alternative energy technologies can be the  
1303 source of new jobs and employment opportunities for many  
1304 Floridians. The Legislature further finds that this state is  
1305 positioned at the front line against potential impacts of global  
1306 climate change. Human and economic costs of those impacts can be  
1307 averted and, where necessary, adapted to by a concerted effort  
1308 to make this state's communities more resilient and less  
1309 vulnerable to these impacts. In focusing the government's policy  
1310 and efforts to protect this state, its citizens, and resources,  
1311 the Legislature believes that a single government entity have a  
1312 specific focus on energy and climate change is both desirable  
1313 and advantageous. ~~the ability to deal effectively with present~~  
1314 ~~shortages of resources used in the production of energy is~~  
1315 ~~aggravated and intensified because of inadequate or nonexistent~~  
1316 ~~information and that intelligent response to these problems and~~  
1317 ~~to the development of a state energy policy demands accurate and~~  
1318 ~~relevant information concerning energy supply, distribution, and~~  
1319 ~~use. The Legislature finds and declares that a procedure for the~~  
1320 ~~collection and analysis of data on the energy flow in this state~~  
1321 ~~is essential to the development and maintenance of an energy~~  
1322 ~~profile defining the characteristics and magnitudes of present~~



Bill No. SB 1544



866008

1323 ~~and future energy demands and availability so that the state may~~  
1324 ~~rationaly deal with present energy problems and anticipate~~  
1325 ~~future energy problems.~~

1326 ~~(2) The Legislature further recognizes that every state~~  
1327 ~~official dealing with energy problems should have current and~~  
1328 ~~reliable information on the types and quantity of energy~~  
1329 ~~resources produced, imported, converted, distributed, exported,~~  
1330 ~~stored, held in reserve, or consumed within the state.~~

1331 ~~(3) It is the intent of the Legislature in the passage of~~  
1332 ~~this act to provide the necessary mechanisms for the effective~~  
1333 ~~development of information necessary to rectify the present lack~~  
1334 ~~of information which is seriously handicapping the state's~~  
1335 ~~ability to deal effectively with the energy problem. To this~~  
1336 ~~end, the provisions of ss. 377.601-377.608 should be given the~~  
1337 ~~broadest possible interpretation consistent with the stated~~  
1338 ~~legislative desire to procure vital information.~~

1339 ~~(2)(4)~~ It is the policy of the State of Florida to:

1340 (a) Recognize and address the potential impacts of global  
1341 climate change wherever possible. ~~Develop and promote the~~  
1342 ~~effective use of energy in the state and discourage all forms of~~  
1343 ~~energy waste.~~

1344 (b) Play a leading role in developing and instituting  
1345 energy management programs aimed at promoting energy  
1346 conservation, energy security, and the reduction of greenhouse  
1347 gas emissions.

1348 (c) Include energy considerations in all state, regional,  
1349 and local planning.

Bill No. SB 1544



866008

1350 (d) Utilize and manage effectively energy resources used  
1351 within state agencies.

1352 (e) Encourage local governments to include energy  
1353 considerations in all planning and to support their work in  
1354 promoting energy management programs.

1355 (f) Include the full participation of citizens in the  
1356 development and implementation of energy programs.

1357 (g) Consider in its decisions the energy needs of each  
1358 economic sector, including residential, industrial, commercial,  
1359 agricultural, and governmental uses and reduce those needs  
1360 whenever possible.

1361 (h) Promote energy education and the public dissemination  
1362 of information on energy and its environmental, economic, and  
1363 social impact.

1364 (i) Encourage the research, development, demonstration,  
1365 and application of alternative energy resources, particularly  
1366 renewable energy resources.

1367 (j) Consider, in its decisionmaking, the social, economic,  
1368 security, and environmental impacts of energy-related  
1369 activities, including the whole life-cycle impacts of any  
1370 potential energy use choices, so that detrimental effects of  
1371 these activities are understood and minimized.

1372 (k) Develop and maintain energy emergency preparedness  
1373 plans to minimize the effects of an energy shortage within  
1374 Florida.

1375 Section 21. Section 377.804, Florida Statutes, is amended  
1376 to read:

Bill No. SB 1544



866008

1377           377.804 Renewable Energy and Energy Efficient Technologies  
1378 Grants Program.--

1379           (1) The Renewable Energy and Energy Efficient Technologies  
1380 Grants Program is established within the department to provide  
1381 renewable energy matching grants for demonstration,  
1382 commercialization, research, and development projects relating  
1383 to renewable energy technologies and innovative technologies  
1384 that significantly increase energy efficiency for vehicles and  
1385 commerical buildings.

1386           (2) Matching grants for renewable energy technology  
1387 demonstration, commercialization, research, and development  
1388 projects may be made to any of the following:

1389           (a) Municipalities and county governments.

1390           (b) Established for-profit companies licensed to do  
1391 business in the state.

1392           (c) Universities and colleges in the state.

1393           (d) Utilities located and operating within the state.

1394           (e) Not-for-profit organizations.

1395           (f) Other qualified persons, as determined by the  
1396 department.

1397           (3) The department may adopt rules pursuant to ss.  
1398 120.536(1) and 120.54 to provide for application requirements,  
1399 provide for ranking of applications, and administer the awarding  
1400 of grants under this program.

1401           (4) Factors the department shall consider in awarding  
1402 grants include, but are not limited to:

1403           (a) The availability of matching funds or other in-kind  
1404 contributions applied to the total project from an applicant.

Bill No. SB 1544



866008

1405 The department shall give greater preference to projects that  
1406 provide such matching funds or other in-kind contributions.

1407 (b) The degree to which the project stimulates in-state  
1408 capital investment and economic development in metropolitan and  
1409 rural areas, including the creation of jobs and the future  
1410 development of a commercial market for renewable energy  
1411 technologies.

1412 (c) The extent to which the proposed project has been  
1413 demonstrated to be technically feasible based on pilot project  
1414 demonstrations, laboratory testing, scientific modeling, or  
1415 engineering or chemical theory that supports the proposal.

1416 (d) The degree to which the project incorporates an  
1417 innovative new technology or an innovative application of an  
1418 existing technology.

1419 (e) The degree to which a project generates thermal,  
1420 mechanical, or electrical energy by means of a renewable energy  
1421 resource that has substantial long-term production potential.

1422 (f) The degree to which a project demonstrates efficient  
1423 use of energy and material resources.

1424 (g) The degree to which the project fosters overall  
1425 understanding and appreciation of renewable energy technologies.

1426 (h) The ability to administer a complete project.

1427 (i) Project duration and timeline for expenditures.

1428 (j) The geographic area in which the project is to be  
1429 conducted in relation to other projects.

1430 (k) The degree of public visibility and interaction.

1431 (5) The department shall solicit the expertise of other  
1432 state agencies in evaluating project proposals. State agencies

Bill No. SB 1544



866008

1433 shall cooperate with the Department of Environmental Protection  
1434 and provide such assistance as requested.

1435 (6) Each application must be accompanied by an affidavit  
1436 from the applicant attesting to the veracity of the statements  
1437 contained in the application.

1438 Section 22. Section 377.806, Florida Statutes, is amended  
1439 to read:

1440 377.806 Solar Energy System Incentives Program.--

1441 (1) PURPOSE.--The Solar Energy System Incentives Program  
1442 is established within the department to provide financial  
1443 incentives for the purchase and installation of solar energy  
1444 systems. Any resident of the state who purchases and installs a  
1445 new solar energy system of 2 kilowatts or larger for a solar  
1446 photovoltaic system, a solar energy system that provides at  
1447 least 50 percent of a building's hot water consumption for a  
1448 solar thermal system, or a solar thermal pool heater, from July  
1449 1, 2006, through June 30, 2010, is eligible for a rebate on a  
1450 portion of the purchase price of that solar energy system.

1451 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

1452 (a) Eligibility requirements.--A solar photovoltaic system  
1453 qualifies for a rebate if:

1454 1. The system is installed by a state-licensed master  
1455 electrician, electrical contractor, or solar contractor.

1456 2. The system complies with state interconnection  
1457 standards as provided by the commission.

1458 3. The system complies with all applicable building codes  
1459 as defined by the Florida Building Code ~~local jurisdictional~~  
1460 ~~authority.~~

Bill No. SB 1544



866008

1461 (b) Rebate amounts.--The rebate amount shall be set at \$4  
1462 per watt based on the total wattage rating of the system. The  
1463 maximum allowable rebate per solar photovoltaic system  
1464 installation shall be as follows:

1465 1. Twenty thousand dollars for a residence.

1466 2. One hundred thousand dollars for a place of business, a  
1467 publicly owned or operated facility, or a facility owned or  
1468 operated by a private, not-for-profit organization, including  
1469 condominiums or apartment buildings.

1470 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

1471 (a) Eligibility requirements.--A solar thermal system  
1472 qualifies for a rebate if:

1473 1. The system is installed by a state-licensed solar or  
1474 plumbing contractor.

1475 2. The system complies with all applicable building codes  
1476 as defined by the Florida Building Code ~~local jurisdictional~~  
1477 ~~authority.~~

1478 (b) Rebate amounts.--Authorized rebates for installation  
1479 of solar thermal systems shall be as follows:

1480 1. Five hundred dollars for a residence.

1481 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000  
1482 for a place of business, a publicly owned or operated facility,  
1483 or a facility owned or operated by a private, not-for-profit  
1484 organization, including condominiums or apartment buildings. ~~Btu~~  
1485 ~~must be verified by approved metering equipment.~~

1486 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

1487 (a) Eligibility requirements.--A solar thermal pool heater  
1488 qualifies for a rebate if the system is installed by a state-

Bill No. SB 1544



866008

1489 licensed solar or plumbing contractor and the system complies  
1490 with all applicable building codes as defined by the Florida  
1491 Building Code ~~local jurisdictional authority~~.

1492 (b) Rebate amount.--Authorized rebates for installation of  
1493 solar thermal pool heaters shall be \$100 per installation.

1494 (5) APPLICATION.--Application for a rebate must be made  
1495 within 90 days after the purchase of the solar energy equipment.

1496 (6) REBATE AVAILABILITY.--The department shall determine  
1497 and publish on a regular basis the amount of rebate funds  
1498 remaining in each fiscal year. The total dollar amount of all  
1499 rebates issued by the department is subject to the total amount  
1500 of appropriations in any fiscal year for this program. If funds  
1501 are insufficient during the current fiscal year, any requests  
1502 for rebates received during that fiscal year may be processed  
1503 during the following fiscal year. Requests for rebates received  
1504 in a fiscal year that are processed during the following fiscal  
1505 year shall be given priority over requests for rebates received  
1506 during the following fiscal year.

1507 (7) RULES.--The department shall adopt rules pursuant to  
1508 ss. 120.536(1) and 120.54 to develop rebate applications and  
1509 administer the issuance of rebates.

1510 Section 23. Section 403.44, Florida Statutes, is created  
1511 to read:

1512 403.44 Florida Climate Protection Act.--

1513 (1) The Legislature finds it is in the best interest of  
1514 this state to document, to the greatest extent practicable,  
1515 greenhouse gas (GHG) emissions and to pursue a market-based

Bill No. SB 1544



866008

1516 emissions abatement program, such as cap-and-trade, to address  
1517 GHG emissions reductions.

1518 (2) As used in this section, the term:

1519 (a) "Allowance" means a credit issued by the department  
1520 through allotments or auction which represents an authorization  
1521 to emit specific amounts of greenhouse gases, as further defined  
1522 in department rule.

1523 (b) "Cap-and-trade" or "emissions trading" means an  
1524 administrative approach used to control pollution by providing a  
1525 limit on total allowable emissions, providing for allowances to  
1526 emit pollutants, and providing for the transfer of the  
1527 allowances among pollutant sources as a means of compliance with  
1528 emission limits.

1529 (c) "Greenhouse gas" means carbon dioxide, methane,  
1530 nitrous oxide, and fluorinated gases such as hydrofluorocarbons,  
1531 perfluorocarbons, and sulfur hexafluoride.

1532 (d) "Leakage" means the offset of emission abatement that  
1533 is achieved in one location subject to emission control  
1534 regulation by increased emissions in unregulated locations.

1535 (e) "Major emitter" means an electric utility regulated  
1536 under this chapter.

1537 (3) A major emitter must use The Climate Registry for  
1538 purposes of emission registration and reporting.

1539 (4) The Department of Environmental Protection shall  
1540 establish the methodologies, reporting periods, and reporting  
1541 systems that must be used when major emitters report to The  
1542 Climate Registry. The department may require the use of quality-  
1543 assured data from continuous emissions-monitoring systems.



Bill No. SB 1544



866008

1544       (5) The department may adopt rules for a cap-and-trade  
1545 regulatory program to reduce greenhouse gas emissions from major  
1546 emitters. When developing the rules, the department shall  
1547 consult with the Governor's Action Team on Energy and Climate  
1548 Change, the Public Service Commission and the Florida Energy  
1549 Commission. The rules shall not become effective until ratified  
1550 by the Legislature.

1551       (6) The rules of the cap-and-trade regulatory program  
1552 shall include, but are not limited to:

1553       (a) A statewide limit or cap on the amount of GHG  
1554 emissions emitted by major emitters.

1555       (b) Methods, requirements, and conditions for allocating  
1556 the cap among major emitters.

1557       (c) Methods, requirements, and conditions for emissions  
1558 allowances and the process for issuing emissions allowances.

1559       (d) The relationship between allowances and the specific  
1560 amounts of greenhouse gases they represent.

1561       (e) A process for the trade of allowances between major  
1562 emitters, including a registry, tracking, or accounting system  
1563 for such trades.

1564       (f) Cost containment mechanisms in order to reduce price  
1565 and cost risks associated with the electric generation market in  
1566 this state.

1567       (g) A process to allow the department to exercise its  
1568 authority to discourage leakage of GHG emissions to neighboring  
1569 states attributable to the implementation of this program.

1570       (h) Provisions for a trial period on the trading of  
1571 allowances before full implementation of a trading system.

Bill No. SB 1544



866008

1572           (i) Other requirements necessary or desirable to implement  
1573 this section.

1574           Section 24. Section 489.145, Florida Statutes, is amended  
1575 to read:

1576           489.145 Guaranteed energy performance savings  
1577 contracting.--

1578           (1) SHORT TITLE.--This section may be cited as the  
1579 "Guaranteed Energy Performance Savings Contracting Act."

1580           (2) LEGISLATIVE FINDINGS.--The Legislature finds that  
1581 investment in energy conservation measures in agency facilities  
1582 can reduce the amount of energy consumed and produce immediate  
1583 and long-term savings. It is the policy of this state to  
1584 encourage agencies to invest in energy conservation measures  
1585 that ~~reduce energy consumption, produce a cost savings for the~~  
1586 ~~agency, and improve the quality of indoor air in public~~  
1587 ~~facilities and to operate, maintain, and, when economically~~  
1588 ~~feasible, build or renovate existing agency facilities in such a~~  
1589 ~~manner as to minimize energy consumption and maximize energy~~  
1590 savings. It is further the policy of this state that agencies  
1591 share in the monetary savings resulting from energy performance  
1592 contracting and to encourage agencies to reinvest any energy  
1593 savings resulting from energy conservation measures in  
1594 additional energy conservation efforts.

1595           (3) DEFINITIONS.--As used in this section, the term:

1596           (a) "Agency" means the state, a municipality, or a  
1597 political subdivision.

1598           (b) "Energy conservation measure" means a ~~training~~  
1599 ~~program,~~ facility alteration, or equipment purchase to be used

Bill No. SB 1544



866008

1600 in new construction, including an addition to an existing  
1601 facility, which reduces energy or energy-related operating costs  
1602 and includes, but is not limited to:

1603 1. Insulation of the facility structure and systems within  
1604 the facility.

1605 2. Storm windows and doors, caulking or weatherstripping,  
1606 multiglazed windows and doors, heat-absorbing, or heat-  
1607 reflective, glazed and coated window and door systems,  
1608 additional glazing, reductions in glass area, and other window  
1609 and door system modifications that reduce energy consumption.

1610 3. Automatic energy control systems.

1611 4. Heating, ventilating, or air-conditioning system  
1612 modifications or replacements.

1613 5. Replacement or modifications of lighting fixtures to  
1614 increase the energy efficiency of the lighting system, which, at  
1615 a minimum, must conform to the applicable state or local  
1616 building code.

1617 6. Energy recovery systems.

1618 7. Cogeneration systems that produce steam or forms of  
1619 energy such as heat, as well as electricity, for use primarily  
1620 within a facility or complex of facilities.

1621 8. Energy conservation measures that reduce British  
1622 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)  
1623 consumed or provide long-term operating cost reductions ~~or~~  
1624 ~~significantly reduce Btu consumed.~~

1625 9. Renewable energy systems, such as solar, biomass, or  
1626 wind systems.

Bill No. SB 1544



866008

- 1627           10. Devices that reduce water consumption or sewer  
1628 charges.
- 1629           11. Storage systems, such as fuel cells and thermal  
1630 storage.
- 1631           12. Generating technologies, such as microturbines.
- 1632           13. Any other repair, replacement, or upgrade of existing  
1633 equipment.
- 1634           (c) "Energy cost savings" means a measured reduction in  
1635 the cost of fuel, energy consumption, and stipulated operation  
1636 and maintenance created from the implementation of one or more  
1637 energy conservation measures when compared with an established  
1638 baseline for the previous cost of fuel, energy consumption, and  
1639 stipulated operation and maintenance.
- 1640           (d) "Guaranteed energy performance savings contract" means  
1641 a contract for the evaluation, recommendation, and  
1642 implementation of energy conservation measures or energy-related  
1643 operational saving measures, which, at a minimum, shall include:
- 1644           1. The design and installation of equipment to implement  
1645 one or more of such measures and, if applicable, operation and  
1646 maintenance of such measures.
- 1647           2. The amount of any actual annual savings that meet or  
1648 exceed total annual contract payments made by the agency for the  
1649 contract.
- 1650           3. The finance charges incurred by the agency over the  
1651 life of the contract and may include allowable cost avoidance.  
1652 As used in this section, allowable cost avoidance calculations  
1653 include, but are not limited to, avoided provable budgeted costs  
1654 contained in a capital replacement plan less the current



866008

1655 undepreciated value of replaced equipment and the replacement  
1656 cost of the new equipment.

1657 (e) "Guaranteed energy performance savings contractor"  
1658 means a person or business that is licensed under chapter 471,  
1659 chapter 481, or this chapter, and is experienced in the  
1660 analysis, design, implementation, or installation of energy  
1661 conservation measures through energy performance contracts.

1662 (4) PROCEDURES.--

1663 (a) An agency may enter into a guaranteed energy  
1664 performance savings contract with a guaranteed energy  
1665 performance savings contractor to ~~significantly~~ reduce energy  
1666 consumption or energy-related operating costs of an agency  
1667 facility through one or more energy conservation measures.

1668 (b) Before design and installation of energy conservation  
1669 measures, the agency must obtain from a guaranteed energy  
1670 performance savings contractor a report that summarizes the  
1671 costs associated with the energy conservation measures or  
1672 energy-related operational cost saving measures and provides an  
1673 estimate of the amount of the ~~energy~~ cost savings. The agency  
1674 and the guaranteed energy performance savings contractor may  
1675 enter into a separate agreement to pay for costs associated with  
1676 the preparation and delivery of the report; however, payment to  
1677 the contractor shall be contingent upon the report's projection  
1678 of energy or operational cost savings being equal to or greater  
1679 than the total projected costs of the design and installation of  
1680 the report's energy conservation measures.

1681 (c) The agency may enter into a guaranteed energy  
1682 performance savings contract with a guaranteed energy

Bill No. SB 1544



866008

1683 performance savings contractor if the agency finds that the  
1684 amount the agency would spend on the energy conservation or  
1685 energy-related cost saving measures will not likely exceed the  
1686 amount of the energy or energy-related cost savings for up to 20  
1687 years from the date of installation, based on the life cycle  
1688 cost calculations provided in s. 255.255, if the recommendations  
1689 in the report were followed and if the qualified provider or  
1690 providers give a written guarantee that the energy or energy-  
1691 related cost savings will meet or exceed the costs of the  
1692 system. However, actual computed cost savings must meet or  
1693 exceed the estimated cost savings provided in each agency's  
1694 program approval. Baseline adjustments used in calculations must  
1695 be specified in the contract. The contract may provide for  
1696 installment payments for a period not to exceed 20 years.

1697 (d) A guaranteed energy performance savings contractor  
1698 must be selected in compliance with s. 287.055; except that if  
1699 fewer than three firms are qualified to perform the required  
1700 services, the requirement for agency selection of three firms,  
1701 as provided in s. 287.055(4)(b), and the bid requirements of s.  
1702 287.057 do not apply.

1703 (e) Before entering into a guaranteed energy performance  
1704 savings contract, an agency must provide published notice of the  
1705 meeting in which it proposes to award the contract, the names of  
1706 the parties to the proposed contract, and the contract's  
1707 purpose.

1708 (f) A guaranteed energy performance savings contract may  
1709 provide for financing, including tax-exempt financing, by a  
1710 third party. The contract for third party financing may be

Bill No. SB 1544



866008

1711 separate from the energy performance contract. A separate  
1712 contract for third party financing must include a provision that  
1713 the third party financier under this paragraph must not be  
1714 granted rights or privileges that exceed the rights and  
1715 privileges available to the guaranteed energy performance  
1716 savings contractor.

1717 (g) Financing for guaranteed energy performance savings  
1718 contracts may be provided under the authority of s. 287.064.

1719 (h) The Office of the Chief Financial Officer shall review  
1720 proposals from state agencies to ensure that the most effective  
1721 financing is being used.

1722 (i)~~(g)~~ In determining the amount the agency will finance  
1723 to acquire the energy conservation measures, the agency may  
1724 reduce such amount by the application of any grant moneys,  
1725 rebates, or capital funding available to the agency for the  
1726 purpose of buying down the cost of the guaranteed energy  
1727 performance savings contract. However, in calculating the life  
1728 cycle cost as required in paragraph (c), the agency shall not  
1729 apply any grants, rebates, or capital funding.

1730 (5) CONTRACT PROVISIONS.--

1731 (a) A guaranteed energy performance savings contract must  
1732 include a written guarantee that may include, but is not limited  
1733 to the form of, a letter of credit, insurance policy, or  
1734 corporate guarantee by the guaranteed energy performance savings  
1735 contractor that annual energy cost savings will meet or exceed  
1736 the amortized cost of energy conservation measures.

1737 (b) The guaranteed energy performance savings contract  
1738 must provide that all payments, except obligations on

Bill No. SB 1544



866008

1739 termination of the contract before its expiration, may be made  
1740 over time, but not to exceed 20 years from the date of complete  
1741 installation and acceptance by the agency, and that the annual  
1742 savings are guaranteed to the extent necessary to make annual  
1743 payments to satisfy the guaranteed energy performance savings  
1744 contract.

1745 (c) The guaranteed energy performance savings contract  
1746 must require that the guaranteed energy performance savings  
1747 contractor to whom the contract is awarded provide a 100-percent  
1748 public construction bond to the agency for its faithful  
1749 performance, as required by s. 255.05.

1750 (d) The guaranteed energy performance savings contract may  
1751 contain a provision allocating to the parties to the contract  
1752 any annual energy cost savings that exceed the amount of the  
1753 energy cost savings guaranteed in the contract.

1754 (e) The guaranteed energy performance savings contract  
1755 shall require the guaranteed energy performance savings  
1756 contractor to provide to the agency an annual reconciliation of  
1757 the guaranteed energy or energy-related cost savings. If the  
1758 reconciliation reveals a shortfall in annual energy or energy-  
1759 related cost savings, the guaranteed energy performance savings  
1760 contractor is liable for such shortfall. If the reconciliation  
1761 reveals an excess in annual ~~energy~~ cost savings, the excess  
1762 savings may be allocated under paragraph (d) but may not be used  
1763 to cover potential energy cost savings shortages in subsequent  
1764 contract years.

1765 (f) The guaranteed energy performance savings contract  
1766 must provide for payments of not less than one-twentieth of the



Bill No. SB 1544



866008

1767 price to be paid within 2 years from the date of the complete  
1768 installation and acceptance by the agency using straight-line  
1769 amortization for the term of the loan, and the remaining costs  
1770 to be paid at least quarterly, not to exceed a 20-year term,  
1771 based on life cycle cost calculations.

1772 (g) The guaranteed energy performance savings contract may  
1773 extend beyond the fiscal year in which it becomes effective;  
1774 however, the term of any contract expires at the end of each  
1775 fiscal year and may be automatically renewed annually for up to  
1776 20 years, subject to the agency making sufficient annual  
1777 appropriations based upon continued realized energy savings.

1778 (h) The guaranteed energy performance savings contract  
1779 must stipulate that it does not constitute a debt, liability, or  
1780 obligation of the state.

1781 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The  
1782 Department of Management Services, with the assistance of the  
1783 Office of the Chief Financial Officer, shall ~~may~~, within  
1784 available resources, provide technical assistance to state  
1785 agencies contracting for energy conservation measures and engage  
1786 in other activities considered appropriate by the department for  
1787 promoting and facilitating guaranteed energy performance  
1788 contracting by state agencies. The Office of the Chief Financial  
1789 Officer, with the assistance of the Department of Management  
1790 Services, shall ~~may, within available resources,~~ develop model  
1791 contractual and related documents for use by state agencies.  
1792 Prior to entering into a guaranteed energy performance savings  
1793 contract, any contract or lease for third-party financing, or  
1794 any combination of such contracts, a state agency shall submit

Bill No. SB 1544



866008

1795 such proposed contract or lease to the Office of the Chief  
1796 Financial Officer for review and approval. A proposed contract  
1797 or lease must include:

1798 (a) Supporting information required by s. 216.023(4) (a);

1799 (b) Documentation supporting recurring funds requirements  
1800 in ss. 287.063(5) and 287.064(11);

1801 (c) Approval by the chief executive officer of the state  
1802 agency, or his or her designee; and

1803 (d) An agency measurement and verification plan to monitor  
1804 costs savings.

1805 (7) FUNDING SUPPORT.--For purposes of consolidated  
1806 financing of deferred payment commodity contracts under this  
1807 section by an agency, any contract must be supported from  
1808 available funds appropriated to the agency in an appropriation  
1809 category, as defined in chapter 216, which the Chief Financial  
1810 Officer has determined is appropriate or which the Legislature  
1811 has designated for payment of the obligation incurred under this  
1812 section. The Office of the Chief Financial Officer may not  
1813 approve any contract submitted under this section from a state  
1814 agency which does not meet the requirements of this section.

1815 Section 25. Section 526.201, Florida Statutes, is created  
1816 to read:

1817 526.201 Short title.--Sections 526.201-526.2012, may be  
1818 cited as the "Florida Renewable Fuel Standard Act."

1819 Section 26. Section 526.2011, Florida Statutes, is created  
1820 to read:

1821 526.2011 Definitions.--As used in ss. 526.201-526.2012,  
1822 the term:

Bill No. SB 1544



866008

1823       (1) "Blender" means any person who blends any product with  
1824 gasoline or diesel fuel and who has been licensed or authorized  
1825 as a blender.

1826       (2) "Credits" means allowances as determined by the  
1827 department in rule.

1828       (3) "Department" means the Department of Agriculture and  
1829 Consumer Services.

1830       (4) "Diesel fuel" means all petroleum distillates commonly  
1831 known as diesel #2 or diesel #1 and additives used to meet or  
1832 exceed the ASTM fuel specification for "Diesel Fuel Oils" and  
1833 which are used in highway and nonroad vehicles and small  
1834 portable engines.

1835       (5) "Gasoline" means all gasoline products and additives  
1836 used to meet or exceed the ASTM fuel specification for  
1837 "Automotive Spark-Ignition Engine Fuel" and which are used in  
1838 highway and nonroad vehicles and small portable engines.

1839       (6) "Importer" means any person, firm, association,  
1840 corporation, or company that brings gasoline blending stocks or  
1841 components from another state or foreign nation into this state.

1842       (7) "Lifecycle greenhouse gas emissions" means the total  
1843 emissions of greenhouse gas emissions associated with the  
1844 production and distribution of fuels as defined by the  
1845 department.

1846       (8) "Refiner" means any person who stores or exchanges  
1847 motor fuel at a terminal facility in this state and who sells or  
1848 transfers motor fuel through the loading rack at the terminal  
1849 facility, and includes an affiliate of the refiner with respect  
1850 to such affiliate's sale of motor fuel.

Bill No. SB 1544



866008

1851       (9) "Renewable fuel" means fuel that is produced from  
1852 renewable sources, including, but not limited to, biomass, crop  
1853 residue, vegetative waste, yard waste, biogas, animal fats, or  
1854 as determined by the department.

1855       (10) "Transportation fuels" includes gasoline and diesel  
1856 fuel.

1857       Section 27. Section 526.2012, Florida Statutes, is created  
1858 to read:

1859       526.2012 Rules.--

1860       (1) The department shall adopt rules implementing a  
1861 renewable fuel standard that requires that no less than 5  
1862 percent of transportation fuels, excluding fuels identified by  
1863 subsection (4), consumed in this state by year 2012, and no less  
1864 than 10 percent by year 2015, shall be renewable fuels.

1865       (2) The department shall publish a notice of proposed  
1866 rulemaking no later than January 1, 2009, to adopt rules that:

1867       (a) Require all renewable fuels introduced into commerce  
1868 in this state as a result of the renewable fuel standard to  
1869 reduce lifecycle greenhouse gas emissions by an average of 40  
1870 percent less than this state's transportation fuels portfolio as  
1871 of 2007. In meeting this requirement, biofuels having lifecycle  
1872 greenhouse gas emissions less than 40 percent may be used meet  
1873 the renewable fuel standard if biofuels having lifecycle  
1874 greenhouse gas emissions greater than 40 percent are used such  
1875 that there is a 40-percent average of lifecycle greenhouse gas  
1876 emissions for all fuels refined, imported, or blended during a  
1877 single year.

Bill No. SB 1544



866008

1878 (b) Provide for the creation, banking, transfer, and sale  
1879 of credits among fuel refiners, blenders, and importers that:

1880 1. Produce renewable fuels in this state which reduce  
1881 lifecycle greenhouse gas emissions by more than 40 percent,  
1882 including blends of renewable fuels that exceed the 40-percent  
1883 standard;

1884 2. Refine, blend, or import additional renewable fuels  
1885 above the 40-percent standard; and

1886 3. Allow for the use of the credits by the generator or  
1887 for the transfer of all or a portion of the credits to another  
1888 refiner, blender, or importer for the purpose of complying with  
1889 the 40-percent standard.

1890 (3) Any waiver or variance to this section must be filed,  
1891 in accordance with s. 120.542, with the department no later than  
1892 January 1, 2010, and January 1, 2013, respectively, for the  
1893 renewable fuel standard.

1894 (4) Blended gasoline or diesel offered for sale, sold, or  
1895 dispensed for use in airplanes, watercraft, or as fuel for off-  
1896 highway motor sports racing events are exempt from the renewable  
1897 fuel standard.

1898 (5) Any refiner, blender, or importer in this state who  
1899 fails to meet the renewable fuel standard shall be penalized up  
1900 to \$5 per gallon for every gallon refined, blended, or imported  
1901 less than the standard; however there shall be a 1-month grace  
1902 period following each calendar year during which time the  
1903 refiner, blender, or importer may remedy any shortage from the  
1904 previous year. Gallons refined, blended, or imported during the  
1905 grace period for purposes of attaining compliance with the

Bill No. SB 1544



866008

1906 previous year's standard may not be counted toward attainment of  
1907 the standard in the current year.

1908 (6) Every 5 years after year 2012, the department shall  
1909 review and reevaluate the renewable fuel standard. In its review,  
1910 the department shall account for a full life-cycle analysis of  
1911 greenhouse gas emission reduction, as well as a comprehensive  
1912 resource analysis that supports modifying the renewable fuel  
1913 standard.

1914 Section 28. Section 553.9061, Florida Statutes, is created  
1915 to read:

1916 553.9061 Scheduled increases in thermal efficiency  
1917 standards.--

1918 (1) The purpose of this section is to establish a schedule  
1919 of increases in the energy performance of buildings subject to  
1920 the Energy Efficiency Code for Building Construction. The  
1921 Florida Building Commission shall implement the following goals  
1922 through the triennial code adoption process:

1923 (a) Include the necessary provisions in the 2010 edition  
1924 of the Energy Efficiency Code for Building Construction to  
1925 increase the energy performance of new buildings by at least 20  
1926 percent as compared to the 2007 energy code;

1927 (b) Increase the energy efficiency requirements of the  
1928 2013 edition of the Energy Efficiency Code for Building  
1929 Construction by at least 30 percent as compared to the 2007  
1930 energy code;

1931 (c) Increase the energy efficiency requirements of the  
1932 2016 edition of the Energy Efficiency Code for Building

Bill No. SB 1544



866008

1933 Construction by at least 40 percent as compared to the 2007  
1934 energy code; and

1935 (d) Increase the energy efficiency requirements of the  
1936 2019 edition of the Energy Efficiency Code for Building  
1937 Construction by at least 50 percent as compared to the 2007  
1938 energy code.

1939 (2) The Florida Building Commission shall identify within  
1940 code-support and compliance documentation the specific building  
1941 options and elements available to meet the energy performance  
1942 goals identified in this section.

1943 Section 29. Subsection (1) of section 553.957, Florida  
1944 Statutes, is amended to read:

1945 553.957 Products covered by this part.--

1946 (1) The provisions of this part apply to the testing,  
1947 certification, and enforcement of energy conservation standards  
1948 for the following types of new commercial and residential  
1949 products sold in the state:

1950 (a) Refrigerators, refrigerator-freezers, and freezers  
1951 which can be operated by alternating current electricity,  
1952 excluding:

1953 1. Any type designed to be used without doors; and

1954 2. Any type which does not include a compressor and  
1955 condenser unit as an integral part of the cabinet assembly.

1956 (b) Lighting equipment.

1957 (c) Showerheads.

1958 (d) Electric water heaters used to heat potable water in  
1959 homes or businesses.



866008

1960 (e) Electric motors used to pump water within swimming  
1961 pools.

1962 (f) Water heaters for swimming pools such that only such  
1963 devices that use solar thermal radiation to heat water may be  
1964 sold or installed in this state.

1965 (g)~~(d)~~ Any other type of consumer product which the  
1966 department classifies as a covered product as specified in this  
1967 part.

1968 Section 30. The Public Service Commission shall analyze  
1969 utility revenue decoupling and provide a report and  
1970 recommendations to the Governor, the President of the Senate,  
1971 and the Speaker of the House of Representatives by January 1,  
1972 2009.

1973 Section 31. This act shall take effect July 1, 2008.

1974  
1975 ===== T I T L E A M E N D M E N T =====

1976 And the title is amended as follows:

1977 Delete everything before the enacting clause  
1978 and insert:

1979 A bill to be entitled  
1980 An act relating to energy conservation; creating s.  
1981 112.219, F.S.; defining terms for purposes of the state  
1982 employee telecommuting program; requiring each state  
1983 government entity to complete a telecommuting plan to  
1984 include a listing of the job classifications and positions  
1985 that the state government entity considers appropriate for  
1986 telecommuting by a specified date; amending s. 186.007,  
1987 F.S.; authorizing the Executive Office of the Governor to



Bill No. SB 1544



866008

1988 include in the state comprehensive plan goals, objectives,  
1989 and policies related energy and global climate change;  
1990 creating s. 193.804, F.S.; prohibiting the property  
1991 appraiser from increasing the taxable value of the house  
1992 when the taxpayer adds any solar energy device to his or  
1993 her homestead; authorizing the property appraiser to refer  
1994 the matter to the Department of Environmental Protection  
1995 if the property appraiser questions whether a taxpayer is  
1996 entitled, in whole or in part, to a solar energy device  
1997 exemption; amending s. 212.08, F.S.; providing that the  
1998 sale or use of wind energy or wind turbines is exempt from  
1999 sales or use taxes as equipment, machinery, and other  
2000 materials used for renewable energy technologies;  
2001 requiring the Department of Environmental Protection to  
2002 adopt, by rule, an application form, including the  
2003 required content and documentation to support the  
2004 application, to claim the tax exemption; amending s.  
2005 220.192, F.S.; defining terms related to a tax credit;  
2006 providing that 75 percent of all capital, operation, and  
2007 maintenance costs, and research and development costs  
2008 incurred between specified dates, up to a specified limit,  
2009 may be credited against taxes owed in connection with an  
2010 investment in the production of wind energy; allowing for  
2011 the transfer of the tax credit; amending s. 255.249, F.S.;  
2012 requiring state agencies to provide annually telecommuting  
2013 plans; amending s. 255.251, F.S.; creating the "Florida  
2014 Energy Conservation and Sustainable Buildings Act";  
2015 amending s. 255.252, F.S.; providing findings and

Bill No. SB 1544



866008

2016 legislative intent; providing that it is the policy of the  
2017 state that buildings constructed and financed by the  
2018 state, or existing buildings renovated by the state, be  
2019 designed and constructed with a goal of meeting or  
2020 exceeding the Platinum rating of the United States Green  
2021 Building Council (USGBC) Leadership in Energy and  
2022 Environmental Design (LEED) rating system; requiring each  
2023 state agency to identify and compile a list of energy  
2024 conservation projects which it determines are suitable for  
2025 a guaranteed energy performance savings; amending s.  
2026 255.253, F.S.; defining terms for energy conservation for  
2027 buildings; amending s. 255.254, F.S.; prohibiting a state  
2028 government entity from leasing or constructing a facility  
2029 without having secured from the Department of Management  
2030 Services a proper evaluation of life-cycle costs for the  
2031 building; amending s. 255.255, F.S.; requiring the  
2032 department to use sustainable building ratings for  
2033 conducting a life-cycle cost analysis; amending s.  
2034 255.257, F.S.; requiring each state government entity to  
2035 adopt the standards of the United States Green Building  
2036 Council's Leadership in Energy and Environmental Design  
2037 for New Construction (LEED-NC) for all new buildings, with  
2038 a goal of achieving the LEED-NC Platinum level rating for  
2039 each construction project and to implement the United  
2040 States Green Building Council's Leadership in Energy and  
2041 Environmental Design for Existing Buildings (LEED-EB);  
2042 creating s. 286.275, F.S.; encouraging each state  
2043 government entity to consider certain specified

Bill No. SB 1544



866008

2044 conservation measures when conducting public business;  
2045 amending s. 287.063, F.S.; prohibiting the payment term  
2046 for equipment from exceeding the useful life of the  
2047 equipment unless the contract provides for the replacement  
2048 or the extension of the useful life of the equipment  
2049 during the term of the deferred payment contract; amending  
2050 s. 287.064, F.S.; authorizing an extension of the master  
2051 equipment financing agreement for energy conservation  
2052 equipment; requiring the guaranteed energy performance  
2053 savings contractor to provide for the replacement or the  
2054 extension of the useful life of the energy conservation  
2055 equipment during the term of the contract; amending s.  
2056 288.1089, F.S.; defining the term "alternative and  
2057 renewable energy"; detailing the conditions for an  
2058 alternative and renewable energy project to be eligible  
2059 for an innovation incentive award; amending s. 339.175,  
2060 F.S.; requiring each metropolitan planning organization to  
2061 develop a long-range transportation plan and an annual  
2062 project priority list that are, among other considerations  
2063 to provide for sustainable growth and reduce greenhouse  
2064 gas emissions; amending s. 366.82, F.S.; requiring the  
2065 Public Service Commission to adopt rules requiring  
2066 utilities to offset 20 percent of their annual load-growth  
2067 through energy efficiency and conservation measures;  
2068 requiring the Public Service Commission to create an in-  
2069 state market for tradable credits enabling those utilities  
2070 that exceed the conservation standard to sell credits to  
2071 those that cannot meet the standard for a given year;

Bill No. SB 1544



866008

2072 requiring the Public Service Commission to require  
2073 municipal and cooperative utilities that are exempt from  
2074 the Energy Efficiency and Conservation Act to submit an  
2075 annual report to the commission identifying energy  
2076 efficiency and conservation goals and the actions taken to  
2077 meet those goals; requiring the Public Service Commission  
2078 to allow utilities to install solar hot water systems and  
2079 other renewable energy efficient technologies in  
2080 residential homes and commercial facilities while  
2081 retaining ownership of the systems; amending 366.8255,  
2082 F.S.; defining the term "environmental compliance costs"  
2083 to include costs or expenses prudently incurred for  
2084 scientific research and geological assessments of carbon  
2085 capture and storage for the purpose of reducing an  
2086 electric utility's greenhouse gas emissions; amending s.  
2087 377.601, F.S.; providing legislative intent; amending s.  
2088 377.804, F.S.; relating to Renewable Energy and Energy  
2089 Efficient Technologies Grant Program; creating s. 403.44,  
2090 F.S.; creating the Florida Climate Protection Act;  
2091 defining terms; requiring the Department of Environmental  
2092 Protection to establish the methodologies, reporting  
2093 periods, and reporting systems that must be used when  
2094 major emitters report to The Climate Registry; authorizing  
2095 the department to adopt rules for a cap-and-trade  
2096 regulatory program to reduce greenhouse gas emissions from  
2097 major emitters; providing for the content of the rule;  
2098 amending s. 489.175, F.S.; revising terms for the Energy  
2099 Performance Savings Contracting Act; requiring that each

Bill No. SB 1544



866008

2100 proposed contract or lease contain certain agreements;  
2101 creating s. 526.201; F.S.; creating the "Florida Renewable  
2102 Fuel Standard Act"; creating s. 526.2011, F.S.; defining  
2103 terms; creating s. 526.2012, F.S.; requiring the  
2104 Department of Agriculture and Consumer Services to adopt  
2105 rules by a specified date to require that all renewable  
2106 fuels introduced into commerce in this state as a result  
2107 of the renewable fuel standard reduce lifecycle greenhouse  
2108 gas emissions by an average of 40 percent less than this  
2109 state's transportation fuels portfolio as of 2008;  
2110 providing for further content of the rule; providing that  
2111 a refiner, blender, or importer who fails to meet the  
2112 renewable fuel standard shall be penalized up to \$5 per  
2113 gallon for every gallon refined, blended, or imported less  
2114 than the standard; requiring the department to reevaluate  
2115 the renewable fuel standards every 5 years after the year  
2116 2015; creating s. 553.9061, F.S.; requiring the Florida  
2117 Building Commission to establish a schedule of increases  
2118 in the energy performance of buildings subject to the  
2119 Energy Efficiency Code for Building Construction;  
2120 requiring the Commission to implement the goals through a  
2121 triennial code-adoption process; amending s. 553.957,  
2122 F.S.; including certain home and commercial appliances in  
2123 the requirements for testing and certification; requiring  
2124 the Public Service Commission to analyze utility revenue  
2125 decoupling and provide a report and recommendations to the  
2126 Governor, the President of the Senate, and the Speaker of

Bill No. SB 1544



866008

2127

the House of Representatives by a specified date;

2128

providing an effective date.