

By the Committee on Environmental Preservation and Conservation;
and Senator Saunders

592-05450B-08

20081544c1

1 A bill to be entitled
2 An act relating to energy conservation; amending s.
3 74.051, F.S.; requiring a court to conduct a hearing and
4 issue a final judgment on a petition for a taking within
5 specified times after a utility's request for such
6 hearing; creating s. 112.219, F.S.; defining terms for
7 purposes of the state employee telecommuting program;
8 requiring each state employing entity to complete a
9 telecommuting plan by a specified date which includes a
10 listing of the job classifications and positions that the
11 state entity considers appropriate for telecommuting;
12 providing requirements for the telecommuting plan;
13 requiring each state employing entity to post the
14 telecommuting plan on its website; amending s. 163.04,
15 F.S.; revising provisions prohibiting restrictions on the
16 use of energy devices based on renewable resources;
17 amending s. 163.3177, F.S.; revising requirements for the
18 future land use element of a local comprehensive plan to
19 include energy-efficient land use patterns; requiring that
20 the traffic-circulation element of incorporate
21 transportation strategies to reduce greenhouse gas
22 emissions; requiring each unit of local government within
23 an urbanized area to amend the transportation element to
24 incorporate transportation strategies addressing reduction
25 in greenhouse gas emissions; amending s. 186.007, F.S.;
26 authorizing the Executive Office of the Governor to
27 include in the state comprehensive plan goals, objectives,
28 and policies related energy and global climate change;
29 creating s. 193.804, F.S.; prohibiting the property

592-05450B-08

20081544c1

30 | appraiser from increasing the taxable value of homestead
31 | property when the taxpayer adds any solar energy device to
32 | the property; authorizing the property appraiser to refer
33 | the matter to the Department of Environmental Protection
34 | if the property appraiser questions whether a taxpayer is
35 | entitled, in whole or in part, to a solar energy device
36 | exemption; requiring the Department of Environmental
37 | Protection to adopt rules; amending s. 212.08, F.S.;
38 | providing that the sale or use of wind energy or wind
39 | turbines is exempt from sales or use taxes as equipment,
40 | machinery, and other materials used for renewable energy
41 | technologies; requiring the Department of Environmental
42 | Protection to adopt, by rule, an application form,
43 | including the required content and documentation to
44 | support the application, for the taxpayer to use in
45 | claiming the tax exemption; amending s. 220.192, F.S.;
46 | defining terms related to a tax credit; providing that 75
47 | percent of all capital, operation, and maintenance costs,
48 | and research and development costs incurred between
49 | specified dates, up to a specified limit, may be credited
50 | against taxes owed in connection with an investment in the
51 | production of wind energy; allowing the tax credit to be
52 | transferred for a specified period; providing procedures
53 | and requirements; requiring the Department of Revenue to
54 | adopt rules; amending s. 220.193, F.S.; defining the term
55 | "sale" or sold"; defining the term "taxpayer"; authorizing
56 | the Department of Revenue to adopt rules and forms;
57 | providing that the use of the renewable energy production
58 | credit does not reduce the alternative minimum tax credit;

592-05450B-08

20081544c1

59 | amending s. 253.02, F.S.; authorizing the Secretary of
60 | Environmental Protection to grant easements across lands
61 | owned by the Board of Trustees of the Internal Improvement
62 | Trust Fund under certain conditions; amending s. 253.034,
63 | F.S.; granting a utility the use of nonsovereignty state-
64 | owned lands upon a showing of competent substantial
65 | evidence that the use is reasonable; establishing criteria
66 | relating to the title, distribution, and cost of such
67 | lands; amending s. 255.249, F.S.; requiring state agencies
68 | to annually provide telecommuting plans to the Department
69 | of Management Services; amending s. 255.251, F.S.;
70 | creating the "Florida Energy Conservation and Sustainable
71 | Buildings Act"; amending s. 255.252, F.S.; providing
72 | findings and legislative intent; providing that it is the
73 | policy of the state that buildings constructed and
74 | financed by the state, or existing buildings renovated by
75 | the state, be designed and constructed with a goal of
76 | meeting or exceeding the Platinum rating of the United
77 | States Green Building Council (USGBC) Leadership in Energy
78 | and Environmental Design (LEED) rating system, the Green
79 | Building Initiative's Green Globes rating system, or the
80 | Florida Green Building Coalition standards; requiring each
81 | state agency to identify and compile a list of energy-
82 | conservation projects that it determines are suitable for
83 | a guaranteed energy performance savings contract; amending
84 | s. 255.253, F.S.; defining terms relating to energy
85 | conservation for buildings; amending s. 255.254, F.S.;
86 | prohibiting a state government entity from leasing or
87 | constructing a facility without having secured from the

592-05450B-08

20081544c1

88 Department of Management Services a proper evaluation of
89 life-cycle costs for the building; amending s. 255.255,
90 F.S.; requiring the department to use sustainable building
91 ratings for conducting a life-cycle cost analysis;
92 amending s. 255.257, F.S.; requiring each state government
93 entity to adopt the standards of the United States Green
94 Building Council's Leadership in Energy and Environmental
95 Design for New Construction (LEED-NC) for all new
96 buildings, with a goal of achieving the LEED-NC Platinum
97 level rating for each construction project and to
98 implement the United States Green Building Council's
99 Leadership in Energy and Environmental Design for Existing
100 Buildings (LEED-EB); creating s. 286.275, F.S.; requiring
101 the Department of Management Services to develop the
102 Florida Climate Friendly Preferred Products List;
103 requiring state government entities to consult the list
104 and purchase products from the list under certain
105 circumstances; requiring state government entities to
106 contract for meeting and conference space with facilities
107 having the "Green Lodging" designation; authorizing the
108 Department of Environmental Protection to adopt rules;
109 requiring the department to establish voluntary technical
110 assistance programs for various businesses; requiring
111 state government entities to maintain vehicles according
112 to minimum standards and follow certain procedures when
113 procuring new vehicles; requiring state government
114 entities to use ethanol and biodiesel-blended fuels when
115 available; defining the term "state government entity";
116 amending s. 287.063, F.S.; prohibiting the payment term

592-05450B-08

20081544c1

117 for equipment from exceeding the useful life of the
118 equipment unless the contract provides for the replacement
119 or the extension of the useful life of the equipment
120 during the term of the deferred payment contract; amending
121 s. 287.064, F.S.; authorizing an extension of the master
122 equipment financing agreement for energy conservation
123 equipment; requiring the guaranteed energy, water, and
124 wastewater performance savings contractor to provide for
125 the replacement or the extension of the useful life of the
126 equipment during the term of the contract; amending s.
127 287.16, F.S.; requiring the Department of Management
128 Services to conduct an analysis of the Department of
129 Transportation's ethanol and biodiesel use and encourage
130 other state agencies to analyze transportation fuel usage
131 and report such information to the Department of
132 Management Services; amending s. 288.1089, F.S.; defining
133 the term "alternative and renewable energy"; detailing the
134 conditions for an alternative and renewable energy project
135 to be eligible for an innovation incentive award; amending
136 s. 337.401, F.S.; requiring the Department of
137 Environmental Protection to adopt rules relating to the
138 placement of and access to aerial and underground electric
139 transmission lines having certain specifications; defining
140 the term "base-load generating facilities"; amending s.
141 339.175, F.S.; requiring each metropolitan planning
142 organization to develop a long-range transportation plan
143 and an annual project priority list that, among other
144 considerations, provide for sustainable growth and reduce
145 greenhouse gas emissions; amending s. 366.82, F.S.;

592-05450B-08

20081544c1

146 requiring the Public Service Commission to adopt rules
147 requiring utilities to offset 20 percent of their annual
148 load-growth through energy efficiency and conservation
149 measures; requiring the commission to create an in-state
150 market for tradable credits enabling those utilities that
151 exceed the conservation standard to sell credits to those
152 that cannot meet the standard for a given year; requiring
153 that the commission conduct a periodic review; requiring
154 the commission to require municipal and cooperative
155 utilities that are exempt from the Energy Efficiency and
156 Conservation Act to submit an annual report identifying
157 energy efficiency and conservation goals and the actions
158 taken to meet those goals; requiring the commission to use
159 certain methodologies in the evaluation of demand-side
160 management programs; requiring the commission to establish
161 a renewable energy portfolio standard for utilities;
162 requiring certain utilities to submit an annual report
163 identifying the percentage of their electrical power
164 generated or purchased from renewable resources;
165 authorizing the commission to adopt rules; amending s.
166 366.8255, F.S.; redefining the term "environmental
167 compliance costs" to include costs or expenses prudently
168 incurred for scientific research and geological
169 assessments of carbon capture and storage for the purpose
170 of reducing an electric utility's greenhouse gas
171 emissions; amending s. 366.93, F.S.; revising the
172 definitions of "cost" and "preconstruction"; requiring the
173 Public Service Commission to establish rules relating to
174 cost recovery for the construction of new, expanded, or

592-05450B-08

20081544c1

175 | relocated electrical transmission lines and facilities for
176 | a nuclear power plant; amending s. 377.601, F.S.; revising
177 | legislative intent with respect to the need to implement
178 | alternative energy technologies; amending s. 377.703,
179 | F.S.; conforming cross-references; amending s. 377.804,
180 | F.S., relating to the Renewable Energy and Energy-
181 | Efficient Technologies Grant Program; providing for the
182 | program to include matching grants for technologies that
183 | increase the energy efficiency of vehicles and commercial
184 | buildings; providing application requirements; amending s.
185 | 377.806, F.S., relating to the Solar Energy System
186 | Incentives Program; requiring compliance with the Florida
187 | Building Code rather than local codes in order to be
188 | eligible for a rebate under the program; amending s.
189 | 377.901, F.S., relating to the Florida Energy Commission;
190 | transferring the commission from the Office of Legislative
191 | Services to the Executive Office of the Governor; changing
192 | appointment criteria for the members of the commission;
193 | providing additional duties; deleting outdated provisions;
194 | creating s. 377.921, F.S., relating to qualified solar
195 | energy systems; providing definitions; allowing a public
196 | utility to recover certain costs; amending ss. 380.23 and
197 | 403.031, F.S.; conforming cross-references; creating s.
198 | 403.44, F.S.; creating the Florida Climate Protection Act;
199 | defining terms; requiring the Department of Environmental
200 | Protection to establish the methodologies, reporting
201 | periods, and reporting systems that must be used when
202 | major emitters report to The Climate Registry; authorizing
203 | the department to adopt rules for a cap-and-trade

592-05450B-08

20081544c1

204 regulatory program to reduce greenhouse gas emissions from
205 major emitters; providing for the content of the rule;
206 amending s. 403.503, F.S.; defining the term "alternate
207 corridor" and redefining the term "corridor" for purposes
208 of the Florida Electrical Power Plant Siting Act; amending
209 s. 403.504, F.S.; requiring the Department of
210 Environmental Protection to determine whether a proposed
211 alternate corridor is acceptable; amending s. 403.506,
212 F.S.; revising the thresholds and applicability standards
213 of the Florida Electrical Power Plant Siting Act; deleting
214 a provision that exempts from the act a steam generating
215 plant; exempting from the act the associated facilities of
216 an electrical power plant; exempting an electric utility
217 from obtaining certification under the Florida Electrical
218 Power Plant Siting Act before constructing facilities for
219 a power plant using nuclear materials as fuel; providing
220 that a utility may obtain separate licenses, permits, and
221 approvals for such construction under certain
222 circumstances; exempting such provisions from review under
223 ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
224 applicant to submit a statement to the department if such
225 applicant opts for consideration of alternate corridors;
226 amending s. 403.50665, F.S.; requiring an application to
227 include a statement on the consistency of directly
228 associated facilities constituting a "development";
229 requiring the Department of Environmental Protection to
230 address at the certification hearing the issue of
231 compliance with land use plans and zoning ordinances for a
232 proposed substation located in or along an alternate

592-05450B-08

20081544c1

233 | corridor; amending s. 403.509, F.S.; requiring the
234 | Governor and Cabinet sitting as the siting board to
235 | certify the corridor having the least adverse impact;
236 | authorizing the board to deny certification or allow a
237 | party to amend its proposal; amending s. 403.5115, F.S.;
238 | requiring the applicant proposing the alternate corridor
239 | to publish all notices relating to the application;
240 | requiring that such notices comply with certain
241 | requirements; requiring that notices be published at least
242 | 45 days before the rescheduled certification hearing;
243 | amending s. 403.5175, F.S.; conforming a cross-reference;
244 | amending s. 403.518, F.S.; authorizing the Department of
245 | Environmental Protection to charge an application fee for
246 | an alternate corridor; amending ss. 403.519, F.S.,
247 | relating to determinations of need; conforming provisions
248 | to changes made by the act; creating s. 403.7055, F.S.;
249 | encouraging counties in the state to form regional
250 | solutions to the capture and reuse or sale of methane gas
251 | from landfills and wastewater treatment facilities;
252 | requiring the Department of Environmental Protection to
253 | provide guidelines and assistance; amending s. 403.814,
254 | F.S., relating to general permits; conforming provisions;
255 | amending s. 489.145, F.S.; revising provisions of the
256 | Guaranteed Energy Performance Savings Contracting Act;
257 | renaming the act as the "Guaranteed Energy, Water, and
258 | Wastewater Performance Savings Contracting Act"; requiring
259 | that each proposed contract or lease contain certain
260 | agreements concerning operational cost-saving measures;
261 | redefining terms; defining the term "investment grade

592-05450B-08

20081544c1

262 energy audit"; requiring that certain baseline
263 information, supporting information, and documentation be
264 included in contracts; requiring the office of the Chief
265 Financial Officer to review contract proposals; providing
266 audit requirements; requiring contract approval by the
267 Legislature or Chief Financial Officer; creating s.
268 526.203, F.S.; providing definitions; requiring that on or
269 after a specified date all gasoline sold in the state
270 contain a specified percent of agriculturally derived
271 denatured ethanol; providing for exemptions; creating s.
272 526.204, F.S.; providing for the requirements to be
273 suspended during a declared emergency; providing an
274 exemption if a supplier or other distributor is unable to
275 obtain the required fuel at the same or lower price than
276 the price of unblended gasoline; requiring that
277 documentation be provided to the Department of Revenue;
278 creating s. 526.205, F.S.; providing for enforcement of
279 the requirement for gasoline content; providing penalties;
280 providing for the Department of Revenue to grant an
281 extension of time to comply with the requirement; creating
282 s. 526.206, F.S.; authorizing the Department of Revenue
283 and the Department of Agriculture and Consumer Services to
284 adopt rules; requiring the Florida Energy Commission to
285 conduct a study of the lifecycle greenhouse gas emissions
286 associated with all renewable fuels; requiring a report to
287 the Legislature by a specified date; amending s. 553.77,
288 F.S.; authorizing the Florida Building Commission to
289 implement recommendations relating to energy efficiency in
290 residential and commercial buildings; creating s. 553.886,

592-05450B-08

20081544c1

291 F.S.; requiring that the Florida Building Code facilitate
292 and promote the use of certain renewable energy
293 technologies in buildings; creating s. 553.9061, F.S.;
294 requiring the Florida Building Commission to establish a
295 schedule of increases in the energy performance of
296 buildings subject to the Energy Efficiency Code for
297 Building Construction; providing a process for
298 implementing goals to increase energy-efficiency
299 performance in new buildings; providing a schedule for the
300 implementation of such goals; identifying energy-
301 efficiency performance options and elements available to
302 meet energy-efficiency performance requirements; providing
303 a schedule for the review and adoption of renewable
304 energy-efficiency goals by the commission; requiring the
305 commission to conduct a study to evaluate the energy-
306 efficiency rating of new buildings and appliances;
307 requiring the commission to submit a report to the
308 President of the Senate and the Speaker of the House of
309 Representatives on or before a specified date; requiring
310 the commission to conduct a study to evaluate
311 opportunities to restructure the Florida Energy Code for
312 Building Construction, including the integration of the
313 Thermal Efficiency Code, the Energy Conservation Standards
314 Act, and the Florida Building Energy-Efficiency Rating
315 Act; requiring the commission to submit a report to the
316 President of the Senate and the Speaker of the House of
317 Representatives on or before a specified date; directing
318 the Department of Community Affairs, in conjunction with
319 the Florida Energy Affordability Council, to identify and

592-05450B-08

20081544c1

320 review issues relating to the Low-Income Home Energy
321 Assistance Program and the Weatherization Assistance
322 Program; requiring the submission of a report to the
323 President of the Senate and the Speaker of the House of
324 Representatives on or before a specified date; providing
325 for the expiration of certain study requirements; amending
326 s. 553.957, F.S.; including certain home and commercial
327 appliances in the requirements for testing and
328 certification for meeting certain energy-conservation
329 standards; amending s. 553.975, F.S.; conforming a cross-
330 reference; requiring the Public Service Commission to
331 analyze utility revenue decoupling and provide a report
332 and recommendations to the Governor, the President of the
333 Senate, and the Speaker of the House of Representatives by
334 a specified date; amending s. 718.113, F.S.; authorizing
335 the board of a condominium or a multicondominium to
336 install solar collectors, clotheslines, or other energy-
337 efficient devices on association property; creating s.
338 1004.648, F.S.; establishing the Florida Energy Systems
339 Consortium, consisting of specified state universities;
340 providing membership and duties of the consortium;
341 providing for an oversight board and steering committee;
342 providing reporting requirements for the consortium by a
343 date certain; authorizing the Department of Environmental
344 Protection to require certain agreements to contain a
345 stipulation requiring the return to the state of a portion
346 of the profit resulting from commercialization of an
347 energy-related product or process; requiring the
348 department to conduct a study relating to the state

592-05450B-08

20081544c1

349 | earning a monetary return on energy-related products or
350 | processes through the use of negotiated or licensing
351 | agreements; requiring the department to submit the study
352 | to the Governor and the Legislature; requiring the
353 | Department of Environmental Protection, in conjunction
354 | with the Department of Agriculture and Consumer Services,
355 | to conduct an economic impact analysis on the effect of
356 | granting financial incentives to energy producers who use
357 | woody biomass; requiring the department to submit the
358 | results to the Legislature; establishing a statewide solid
359 | waste reduction goal by a certain date; requiring the
360 | Department of Environmental Protection to develop a
361 | recycling program designed to meet that goal; requiring
362 | the Department of Environmental Protection to prepare a
363 | report relating to the costs and benefits of implementing
364 | a cap-and-trade system to trade emission credits;
365 | requiring the department to present the report to the
366 | Governor, the President of the Senate, and the Speaker of
367 | the House of Representatives; describing certain specified
368 | issues to be included in the report; providing effective
369 | dates.

370 |
371 | Be It Enacted by the Legislature of the State of Florida:

372 |
373 | Section 1. Present subsection (3) of section 74.051,
374 | Florida Statutes, is renumbered as subsection (4), and a new
375 | subsection (3) is added to that section, to read:

376 | 74.051 Hearing on order of taking.--

377 | (3) If a defendant requests a hearing and the petitioner is

592-05450B-08

20081544c1

378 an electric utility that is seeking to appropriate property
379 necessary for an electric generation plant, an associated
380 facility of such plant, an electric substation, or a power line,
381 the court shall conduct the hearing no more than 120 days after
382 the petition is filed. The court shall issue its final judgment
383 no more than 30 days after the hearing.

384 Section 2. Section 112.219, Florida Statutes, is created to
385 read:

386 112.219 Public employee telecommuting programs.--

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

388 (a) "Public employing entity" or "entity" means any state
389 government administrative unit listed in chapter 20 or the State
390 Constitution, including water management districts, the Senate,
391 the House of Representatives, the state courts system, the State
392 University System, the Community College System, or any other
393 agency, commission, council, office, board, authority,
394 department, or official of state government.

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

400 (c) "Qualified telecommuting employee" means an employee
401 who is selected for the telecommuting program, based on the
402 requirements of his or her employment position and his or her
403 ability to perform assigned work at an offsite location, and who
404 meets the following criteria:

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

592-05450B-08

20081544c1

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

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

413 (d) "Telecommuting schedule" means the work schedule of a
414 qualified telecommuting employee indicating the days each week,
415 or weeks each month, that the employee will be telecommuting and
416 those days or weeks that the employee will be at the onsite work
417 location. The schedule must be composed in such a way that the
418 employee's work location for any given day is readily
419 ascertainable. Occasional variations from the schedule are
420 acceptable based on the needs of the entity and the ability of
421 the employee to accomplish assigned state business.

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

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

428 (2) Each public employing entity shall:

429 (a) Establish and coordinate the public employee
430 telecommuting program and administer this section for its own
431 employees.

432 (b) Appoint an organization-wide telecommuting coordinator
433 to promote telecommuting and provide technical assistance within
434 the entity.

435 (c) Identify employees who are participating in the

592-05450B-08

20081544c1

436 telecommuting program and their job classifications through its
437 respective personnel or payroll information management system.

438 (3) By September 30, 2009, each employing public entity
439 shall complete a telecommuting plan that includes a current
440 listing of the job classifications and positions that the entity
441 considers appropriate for telecommuting. The proposed
442 telecommuting plan must give equal consideration to civil service
443 and exempt positions in the selection of employees to participate
444 in the telecommuting program. The telecommuting plan must also:

445 (a) Provide measurable financial benefits associated with
446 reduced requirements for office space, reductions in energy
447 consumption, and reductions in associated emissions of greenhouse
448 gases resulting from telecommuting. Employing public entities
449 operating in office space that is owned or managed by the
450 Department of Management Services shall consult the facilities
451 program in order to ensure its consistency with the strategic
452 leasing plan required under s. 255.249(3) (b).

453 (b) Provide that an employee's participation in a
454 telecommuting program will not adversely affect his or her
455 eligibility for advancement or any other employment rights or
456 benefits.

457 (c) Provide that participation by an employee in a
458 telecommuting program is voluntary, and that the employee may
459 elect to cease to participate in the telecommuting program at any
460 time.

461 (d) Allow for the termination of an employee's
462 participation in the program if the employee's continued
463 participation would not be in the best interests of the public
464 employing entity.

592-05450B-08

20081544c1

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

467 (f) Ensure that employees participating in the program are
468 subject to the same rules regarding attendance, leave,
469 performance reviews, and separation action as are other
470 employees.

471 (g) Establish the reasonable conditions that the public
472 employing entity will impose in order to ensure the appropriate
473 use and maintenance of any equipment or items provided for use at
474 a qualified telecommuting employee's telecommuting site,
475 including the installation and maintenance of any telephone
476 equipment and ongoing communications services at the
477 telecommuting site which must be used only for official purposes.

478 (h) Prohibit public maintenance of an employee's personal
479 equipment used in telecommuting, including any liability for
480 personal equipment and costs for personal utility expenses
481 associated with telecommuting.

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

484 (j) Provide that qualified telecommuting employees are
485 covered by workers' compensation under chapter 440 when
486 performing official duties at an alternate worksite, such as the
487 home.

488 (k) Prohibit employees engaged in a telecommuting program
489 from conducting face-to-face state business at the telecommuting
490 site.

491 (l) Require a written agreement specifying the terms and
492 conditions of telecommuting, including verification by the
493 employee that the telecommuting site provides work space that is

592-05450B-08

20081544c1

494 free of safety and fire hazards, together with an agreement that
495 holds the state harmless against all claims, excluding workers'
496 compensation claims, resulting from an employee working in the
497 telecommuting site. The agreement must be signed and agreed to by
498 the qualified telecommuting employee and the supervisor.

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

502 Section 3. Subsection (2) of section 163.04, Florida
503 Statutes, is amended to read:

504 163.04 Energy devices based on renewable resources.--

505 (2) A deed restriction, covenant, declaration, or similar
506 binding agreement may not ~~No deed restrictions, covenants, or~~
507 ~~similar binding agreements running with the land shall prohibit~~
508 ~~or have the effect of prohibiting solar collectors, clotheslines,~~
509 ~~or other energy devices based on renewable resources from being~~
510 ~~installed on buildings erected on the lots or parcels covered by~~
511 ~~the deed restriction, covenant, declaration, or binding agreement~~
512 ~~restrictions, covenants, or binding agreements.~~ A property owner
513 may not be denied permission to install solar collectors or other
514 energy devices ~~based on renewable resources~~ by any entity granted
515 the power or right in any deed restriction, covenant,
516 declaration, or similar binding agreement to approve, forbid,
517 control, or direct alteration of property with respect to
518 residential dwellings including condominiums. ~~not exceeding three~~
519 ~~stories in height. For purposes of this subsection,~~ Such entity
520 may determine the specific location where solar collectors may be
521 installed on the roof within an orientation to the south or
522 within 45° east or west of due south if ~~provided that~~ such

592-05450B-08

20081544c1

523 determination does not impair the effective operation of the
524 solar collectors.

525 Section 4. Paragraphs (a), (b), and (j) of subsection (6)
526 of section 163.3177, Florida Statutes, are amended to read:

527 163.3177 Required and optional elements of comprehensive
528 plan; studies and surveys.--

529 (6) In addition to the requirements of subsections (1)-(5)
530 and (12), the comprehensive plan shall include the following
531 elements:

532 (a) A future land use plan element designating proposed
533 future general distribution, location, and extent of the uses of
534 land for residential uses, commercial uses, industry,
535 agriculture, recreation, conservation, education, public
536 buildings and grounds, other public facilities, and other
537 categories of the public and private uses of land. Counties are
538 encouraged to designate rural land stewardship areas, pursuant to
539 ~~the provisions of~~ paragraph (11) (d), as overlays on the future
540 land use map. Each future land use category must be defined in
541 terms of uses included, and must include standards for ~~to be~~
542 ~~followed in~~ the control and distribution of population densities
543 and building and structure intensities. The proposed
544 distribution, location, and extent of the various categories of
545 land use shall be shown on a land use map or map series which
546 shall be supplemented by goals, policies, and measurable
547 objectives. The future land use plan shall be based upon surveys,
548 studies, and data regarding the area, including the amount of
549 land required to accommodate anticipated growth; the projected
550 population of the area; the character of undeveloped land; the
551 availability of water supplies, public facilities, and services;

592-05450B-08

20081544c1

552 | the need for redevelopment, including the renewal of blighted
553 | areas and the elimination of nonconforming uses which are
554 | inconsistent with the character of the community; the
555 | compatibility of uses on lands adjacent to or closely proximate
556 | to military installations; the discouragement of urban sprawl;
557 | energy-efficient land use patterns; and, in rural communities,
558 | the need for job creation, capital investment, and economic
559 | development that will strengthen and diversify the community's
560 | economy. The future land use plan may designate areas for future
561 | planned development ~~use~~ involving combinations of types of uses
562 | for which special regulations may be necessary to ensure
563 | development in accord with the principles and standards of the
564 | comprehensive plan and this act. The future land use plan element
565 | shall include criteria to be used to achieve the compatibility of
566 | adjacent or closely proximate lands with military installations.
567 | In addition, for rural communities, the amount of land designated
568 | for future planned industrial use shall be based upon surveys and
569 | studies that reflect the need for job creation, capital
570 | investment, and the necessity to strengthen and diversify the
571 | local economies, and may ~~shall~~ not be limited solely by the
572 | projected population of the rural community. The future land use
573 | plan of a county may also designate areas for possible future
574 | municipal incorporation. The land use maps or map series shall
575 | generally identify and depict historic district boundaries and
576 | ~~shall~~ designate historically significant properties meriting
577 | protection. For coastal counties, the future land use element
578 | must include, without limitation, regulatory incentives and
579 | criteria that encourage the preservation of recreational and
580 | commercial working waterfronts as defined in s. 342.07. The

592-05450B-08

20081544c1

581 future land use element must clearly identify the land use
582 categories in which public schools are an allowable use. When
583 delineating the land use categories in which public schools are
584 an allowable use, a local government shall include in the
585 categories sufficient land proximate to residential development
586 to meet the projected needs for schools in coordination with
587 public school boards and may establish differing criteria for
588 schools of different type or size. Each local government shall
589 include lands contiguous to existing school sites, to the maximum
590 extent possible, within the land use categories in which public
591 schools are an allowable use. The failure by a local government
592 to comply with these school siting requirements will result in
593 the prohibition of the local government's ability to amend the
594 local comprehensive plan, except for plan amendments described in
595 s. 163.3187(1)(b), until the school siting requirements are met.
596 Amendments proposed by a local government for purposes of
597 identifying the land use categories in which public schools are
598 an allowable use are exempt from the limitation on the frequency
599 of plan amendments provided ~~contained~~ in s. 163.3187. The future
600 land use element shall include criteria that encourage the
601 location of schools proximate to urban residential areas to the
602 extent possible and shall require that the local government seek
603 to collocate public facilities, such as parks, libraries, and
604 community centers, with schools to the extent possible and to
605 encourage the use of elementary schools as focal points for
606 neighborhoods. For schools serving predominantly rural counties,
607 defined as a county with a population of 100,000 or fewer, an
608 agricultural land use category is ~~shall be~~ eligible for the
609 location of public school facilities if the local comprehensive

592-05450B-08

20081544c1

610 | plan contains school siting criteria and the location is
611 | consistent with such criteria. Local governments required to
612 | update or amend their comprehensive plan to include criteria and
613 | address compatibility of adjacent or closely proximate lands with
614 | existing military installations in their future land use plan
615 | element shall transmit the update or amendment to the department
616 | by June 30, 2006.

617 | (b) A traffic circulation element consisting of the types,
618 | locations, and extent of existing and proposed major
619 | thoroughfares and transportation routes, including bicycle and
620 | pedestrian ways. Transportation corridors, as defined in s.
621 | 334.03, may be designated in the traffic circulation element
622 | pursuant to s. 337.273. If the transportation corridors are
623 | designated, the local government may adopt a transportation
624 | corridor management ordinance. The traffic circulation element
625 | shall incorporate transportation strategies to address reduction
626 | in greenhouse gas emissions from the transportation sector.

627 | (j) For each unit of local government within an urbanized
628 | area designated for purposes of s. 339.175, a transportation
629 | element, which shall be prepared and adopted in lieu of the
630 | requirements of paragraph (b) and paragraphs (7) (a), (b), (c),
631 | and (d) and which shall address the following issues:

632 | 1. Traffic circulation, including major thoroughfares and
633 | other routes, including bicycle and pedestrian ways.

634 | 2. All alternative modes of travel, such as public
635 | transportation, pedestrian, and bicycle travel.

636 | 3. Parking facilities.

637 | 4. Aviation, rail, seaport facilities, access to those
638 | facilities, and intermodal terminals.

592-05450B-08

20081544c1

639 5. The availability of facilities and services to serve
640 existing land uses and the compatibility between future land use
641 and transportation elements.

642 6. The capability to evacuate the coastal population before
643 ~~prior to~~ an impending natural disaster.

644 7. Airports, projected airport and aviation development,
645 and land use compatibility around airports.

646 8. An identification of land use densities, building
647 intensities, and transportation management programs to promote
648 public transportation systems in designated public transportation
649 corridors so as to encourage population densities sufficient to
650 support such systems.

651 9. May include transportation corridors, as defined in s.
652 334.03, intended for future transportation facilities designated
653 pursuant to s. 337.273. If transportation corridors are
654 designated, the local government may adopt a transportation
655 corridor management ordinance.

656 10. The incorporation of transportation strategies to
657 address reduction in greenhouse gas emissions from the
658 transportation sector.

659 Section 5. Subsection (3) of section 186.007, Florida
660 Statutes, is amended to read:

661 186.007 State comprehensive plan; preparation; revision.--

662 (3) In the state comprehensive plan, the Executive Office
663 of the Governor may include goals, objectives, and policies
664 related to the following program areas: economic opportunities;
665 agriculture; employment; public safety; education; energy; global
666 climate change; health concerns; social welfare concerns; housing
667 and community development; natural resources and environmental

592-05450B-08

20081544c1

668 management; recreational and cultural opportunities; historic
669 preservation; transportation; and governmental direction and
670 support services.

671 Section 6. Section 193.804, Florida Statutes, is created to
672 read:

673 193.804 Assessment of solar energy devices.--

674 (1) If a taxpayer adds any solar energy device to his or
675 her homestead, the value of the solar energy device shall not be
676 added to the assessed value of the property for purposes of
677 property taxes. A taxpayer claiming the right to a solar energy
678 device assessment for ad valorem taxes shall so state in a return
679 filed as provided by law giving a brief description of the
680 device. The property appraiser may require the taxpayer to
681 produce such additional evidence as may be necessary to prove the
682 taxpayer's right to have the property subject to a solar energy
683 device assessment.

684 (2) If a property appraiser questions whether a taxpayer is
685 entitled, in whole or in part, to a solar energy device
686 assessment under this section, he or she may refer the matter to
687 the Department of Environmental Protection for a recommendation.
688 If the property appraiser refers the matter, he or she shall
689 notify the taxpayer of such action. The Department of
690 Environmental Protection shall immediately consider whether the
691 taxpayer is entitled to the solar energy device assessment and
692 certify its recommendation to the property appraiser.

693 (3) The Department of Environmental Protection shall adopt
694 rules to administer the solar energy device assessment provisions
695 of this section.

696 Section 7. Paragraph (ccc) of subsection (7) of section

592-05450B-08

20081544c1

697 212.08, Florida Statutes, is amended to read:

698 212.08 Sales, rental, use, consumption, distribution, and
699 storage tax; specified exemptions.--The sale at retail, the
700 rental, the use, the consumption, the distribution, and the
701 storage to be used or consumed in this state of the following are
702 hereby specifically exempt from the tax imposed by this chapter.

703 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
704 entity by this chapter do not inure to any transaction that is
705 otherwise taxable under this chapter when payment is made by a
706 representative or employee of the entity by any means, including,
707 but not limited to, cash, check, or credit card, even when that
708 representative or employee is subsequently reimbursed by the
709 entity. In addition, exemptions provided to any entity by this
710 subsection do not inure to any transaction that is otherwise
711 taxable under this chapter unless the entity has obtained a sales
712 tax exemption certificate from the department or the entity
713 obtains or provides other documentation as required by the
714 department. Eligible purchases or leases made with such a
715 certificate must be in strict compliance with this subsection and
716 departmental rules, and any person who makes an exempt purchase
717 with a certificate that is not in strict compliance with this
718 subsection and the rules is liable for and shall pay the tax. The
719 department may adopt rules to administer this subsection.

720 (ccc) Equipment, machinery, and other materials for
721 renewable energy technologies.--

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

723 a. "Biodiesel" means the mono-alkyl esters of long-chain
724 fatty acids derived from plant or animal matter for use as a
725 source of energy and meeting the specifications for biodiesel and

592-05450B-08

20081544c1

726 biodiesel blends with petroleum products as adopted by the
727 Department of Agriculture and Consumer Services. Biodiesel may
728 refer to biodiesel blends designated BXX, where XX represents the
729 volume percentage of biodiesel fuel in the blend.

730 b. "Ethanol" means an ~~nominally~~ anhydrous denatured alcohol
731 produced by the conversion of carbohydrates ~~fermentation of plant~~
732 ~~sugars~~ meeting the specifications for fuel ethanol and fuel
733 ethanol blends with petroleum products as adopted by the
734 Department of Agriculture and Consumer Services. Ethanol may
735 refer to fuel ethanol blends designated EXX, where XX represents
736 the volume percentage of fuel ethanol in the blend.

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

740 d. "Wind energy" or "wind turbines" means rotary mechanical
741 equipment that uses wind to produce at least 10kW of electrical
742 energy.

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

745 a. Hydrogen-powered vehicles, materials incorporated into
746 hydrogen-powered vehicles, and hydrogen-fueling stations, up to a
747 limit of \$2 million in tax each state fiscal year for all
748 taxpayers.

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

751 c. Materials used in the distribution of biodiesel (B10-
752 B100) and ethanol (E10-E100), including fueling infrastructure,
753 transportation, and storage, up to a limit of \$1 million in tax
754 each state fiscal year for all taxpayers. Gasoline fueling

592-05450B-08

20081544c1

755 station pump retrofits for ethanol (E10-E100) distribution
756 qualify for the exemption provided in this sub-subparagraph.

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

759 3. The Department of Environmental Protection shall provide
760 to the department a list of items eligible for the exemption
761 provided in this paragraph.

762 4.a. The exemption provided in this paragraph shall be
763 available to a purchaser only through a refund of previously paid
764 taxes. Only the initial purchase of an eligible item from the
765 manufacturer is subject to refund. A purchaser who has received a
766 refund on an eligible item must notify any subsequent purchaser
767 of the item that the item is no longer eligible for a refund of
768 tax paid. This notification must be provided to the subsequent
769 purchaser on the sales invoice or other proof of purchase.

770 b. To be eligible to receive the exemption provided in this
771 paragraph, a purchaser shall file an application with the
772 Department of Environmental Protection. The application shall be
773 developed by the Department of Environmental Protection, in
774 consultation with the department, and shall require:

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

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

779 (III) The sales invoice or other proof of purchase showing
780 the amount of sales tax paid, the date of purchase, and the name
781 and address of the sales tax dealer from whom the property was
782 purchased.

783 (IV) A sworn statement that the information provided is

592-05450B-08

20081544c1

784 accurate and that the requirements of this paragraph have been
785 met.

786 c. Within 30 days after receipt of an application, the
787 Department of Environmental Protection shall review the
788 application and shall notify the applicant of any deficiencies.
789 Upon receipt of a completed application, the Department of
790 Environmental Protection shall evaluate the application for
791 exemption and issue a written certification that the applicant is
792 eligible for a refund or issue a written denial of such
793 certification within 60 days after receipt of the application.
794 The Department of Environmental Protection shall provide the
795 department with a copy of each certification issued upon approval
796 of an application.

797 d. Each certified applicant shall be responsible for
798 forwarding a certified copy of the application and copies of all
799 required documentation to the department within 6 months after
800 certification by the Department of Environmental Protection.

801 e. The provisions of s. 212.095 do not apply to any refund
802 application made pursuant to this paragraph. A refund approved
803 pursuant to this paragraph shall be made within 30 days after
804 formal approval by the department.

805 f. The Department of Environmental Protection may adopt by
806 rule the form for the application for a certificate, requirements
807 for the content and format of information submitted to the
808 Department of Environmental Protection in support of the
809 application, other procedural requirements, and criteria by which
810 the application will be determined. The department may adopt all
811 other rules pursuant to ss. 120.536(1) and 120.54 to administer
812 this paragraph, including rules establishing additional forms and

592-05450B-08

20081544c1

813 | procedures for claiming this exemption.

814 | g. The Department of Environmental Protection shall be
815 | responsible for ensuring that the total amounts of the exemptions
816 | authorized do not exceed the limits as specified in subparagraph
817 | 2.

818 | 5. The Department of Environmental Protection shall
819 | determine and publish on a regular basis the amount of sales tax
820 | funds remaining in each fiscal year.

821 | 6. This paragraph expires July 1, 2010, except as it
822 | relates to wind turbines. The provisions of this paragraph
823 | relating to wind turbines expire July 1, 2012.

824 | Section 8. Subsections (1), (2), and (6) of section
825 | 220.192, Florida Statutes, are amended to read:

826 | 220.192 Renewable energy technologies investment tax
827 | credit.--

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

829 | (a) "Biodiesel" means biodiesel as defined in s.
830 | 212.08(7)(ccc).

831 | (b) "Eligible costs" means:

832 | 1. Seventy-five percent of all capital costs, operation and
833 | maintenance costs, and research and development costs incurred
834 | between July 1, 2006, and June 30, 2010, up to a limit of \$3
835 | million per state fiscal year for all taxpayers, in connection
836 | with an investment in hydrogen-powered vehicles and hydrogen
837 | vehicle fueling stations in the state, including, but not limited
838 | to, the costs of constructing, installing, and equipping such
839 | technologies in the state.

840 | 2. Seventy-five percent of all capital costs, operation and
841 | maintenance costs, and research and development costs incurred

592-05450B-08

20081544c1

842 | between July 1, 2006, and June 30, 2010, up to a limit of \$1.5
843 | million per state fiscal year for all taxpayers, and limited to a
844 | maximum of \$12,000 per fuel cell, in connection with an
845 | investment in commercial stationary hydrogen fuel cells in the
846 | state, including, but not limited to, the costs of constructing,
847 | installing, and equipping such technologies in the state.

848 | 3. Seventy-five percent of all capital costs, operation and
849 | maintenance costs, and research and development costs incurred
850 | between July 1, 2006, and June 30, 2010, up to a limit of \$14
851 | ~~\$6.5~~ million per state fiscal year for all taxpayers, in
852 | connection with an investment in the production, storage, and
853 | distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
854 | the state, including the costs of constructing, installing, and
855 | equipping such technologies in the state. Gasoline fueling
856 | station pump retrofits for ethanol (E10-E100) distribution
857 | qualify as an eligible cost under this subparagraph.

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

863 | (c) "Ethanol" means ethanol as defined in s.
864 | 212.08(7)(ccc).

865 | (d) "Hydrogen fuel cell" means hydrogen fuel cell as
866 | defined in s. 212.08(7)(ccc).

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

869 | (2) TAX CREDIT.--

870 | (a) For tax years beginning on or after January 1, 2007, a

592-05450B-08

20081544c1

871 credit against the tax imposed by this chapter shall be granted
872 in an amount equal to the eligible costs. Credits may be used in
873 tax years beginning January 1, 2007, and ending December 31,
874 2010, after which the credit shall expire. If the credit is not
875 fully used in any one tax year because of insufficient tax
876 liability on the part of the corporation, the unused amount may
877 be carried forward and used in tax years beginning January 1,
878 2007, and ending December 31, 2012, after which the credit
879 carryover expires and may not be used. A taxpayer that files a
880 consolidated return in this state as a member of an affiliated
881 group under s. 220.131(1) may be allowed the credit on a
882 consolidated return basis up to the amount of tax imposed upon
883 the consolidated group. Any eligible cost for which a credit is
884 claimed and which is deducted or otherwise reduces federal
885 taxable income shall be added back in computing adjusted federal
886 income under s. 220.13.

887 1. For tax years beginning on or after January 1, 2009, a
888 credit against the tax imposed by this chapter shall be granted
889 in an amount equal to the eligible costs related to wind energy.
890 Credits may be used in tax years beginning January 1, 2009, and
891 ending December 31, 2012, after which period the credit expires.
892 If the credit is not fully used in any one tax year because of
893 insufficient tax liability on the part of the corporation, the
894 unused amount may be carried forward and used in tax years
895 beginning January 1, 2009, and ending December 31, 2014, after
896 which period the credit carryover expires and may not be used.

897 2. A taxpayer who files a consolidated return in this
898 state as a member of an affiliated group under s. 220.131(1) may
899 be allowed the credit on a consolidated return basis up to the

592-05450B-08

20081544c1

900 amount of tax imposed upon the consolidated group. Any eligible
901 cost for which a credit is claimed and which is deducted or
902 otherwise reduces federal taxable income shall be added back when
903 computing adjusted federal income under s. 220.13.

904 (b) A corporation and a subsequent transferee allowed the
905 tax credit may transfer the tax credit, in whole or in part, to
906 any taxpayer by written agreement, without transferring any
907 ownership interest in the property generating the tax credit or
908 any interest in the entity that owns the property. A transferee
909 is entitled to apply the credits against the tax, and such
910 transfer has the same effect as if the transferee had incurred
911 the eligible costs.

912 1. To perfect the transfer, the transferor must provide a
913 written transfer statement providing notice to the Department of
914 Revenue of the assignor's intent to transfer the tax credits to
915 the assignee; the date the transfer is effective; the assignee's
916 name, address, federal taxpayer identification number, and tax
917 period; and the amount of tax credits to be transferred. The
918 Department of Revenue shall issue, upon receipt of a transfer
919 statement conforming to the requirements of this section, a
920 certificate to the assignee reflecting the tax credit amounts
921 transferred, a copy of which shall be attached to each tax return
922 by an assignee in which such tax credits are used.

923 2. Tax credits derived by such entities treated as
924 corporations under this section which are not transferred by such
925 entities to other taxpayers under this subsection must be passed
926 through to the taxpayers designated as partners, members, or
927 owners, respectively, in any manner agreed to by such persons,
928 whether or not the persons are allocated or allowed any portion

592-05450B-08

20081544c1

929 of the federal energy tax credit with respect to the eligible
930 costs.

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

933 (a) The forms required to claim a tax credit under this
934 section, the requirements and basis for establishing an
935 entitlement to a credit, and the examination and audit procedures
936 required to administer this section.

937 (b) The implementation and administration of the provisions
938 allowing a transfer of tax credits, including rules prescribing
939 forms, reporting requirements, and the specific procedures,
940 guidelines, and requirements necessary for a tax credit to be
941 transferred.

942 Section 9. Paragraphs (f) and (g) are added to subsection
943 (2) and paragraphs (j) and (k) are added to subsection (3) of
944 section 220.193, Florida Statutes, to read:

945 220.193 Florida renewable energy production credit.--

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

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

950 (g) "Taxpayer" includes a general partnership, limited
951 partnership, limited liability company, trust, or other
952 artificial entity in which a corporation, as defined in s.
953 220.03(1)(e), owns an interest and is taxed as a partnership or
954 is disregarded as a separate entity from the corporation under
955 chapter 220.

956 (3) An annual credit against the tax imposed by this
957 section shall be allowed to a taxpayer, based on the taxpayer's

592-05450B-08

20081544c1

958 production and sale of electricity from a new or expanded Florida
959 renewable energy facility. For a new facility, the credit shall
960 be based on the taxpayer's sale of the facility's entire
961 electrical production. For an expanded facility, the credit shall
962 be based on the increases in the facility's electrical production
963 that are achieved after May 1, 2006.

964 (j) A credit authorized by this section shall be attributed
965 to a corporation according to its proportional ownership interest
966 in a taxpayer. In addition to the authority granted to the
967 department in subsection (4), the department may adopt rules and
968 forms to implement this subsection, including specific procedures
969 and guidelines for notifying the department that a credit is
970 attributed to a corporation and for a corporation to claim such
971 credit.

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

975 Section 10. Subsection (2) of section 253.02, Florida
976 Statutes, is amended to read:

977 253.02 Board of trustees; powers and duties.--

978 (2) (a) The board of trustees shall not sell, transfer, or
979 otherwise dispose of any lands the title to which is vested in
980 the board of trustees except by vote of at least three of the
981 four trustees and as provided in this subsection.

982 (b) In order to promote efficient, effective, and
983 economical management of state lands and utility services and if
984 the Public Service Commission has determined a need exists or the
985 Federal Energy Regulatory Commission has granted a Certificate of
986 Public Convenience and Necessity, the authority to grant

592-05450B-08

20081544c1

987 easements for rights-of-way over, across, and upon lands the
988 title to which is vested in the board of trustees for the
989 construction and operation of natural gas pipeline transmission
990 and linear facilities, including electric transmission and
991 distribution facilities, may be delegated to
992 the Secretary of Environmental Protection for facilities subject
993 to part II of chapter 403 or part IV of chapter 373.

994 Section 11. Subsection (14) is added to section 253.034,
995 Florida Statutes, to read:

996 253.034 State-owned lands; uses.--

997 (14) (a) If a public utility, regional transmission
998 organization, or natural gas company presents competent and
999 substantial evidence that its use of nonsovereignty state-owned
1000 lands is reasonable based upon a consideration of economic and
1001 environmental factors, including an assessment of practicable
1002 alternative alignments and assurance that the lands will remain
1003 in their predominantly natural condition, the public utility,
1004 regional transmission organization, or natural gas company may be
1005 granted fee simple title, easements, or other interests in
1006 nonsovereignty state-owned lands title to which is vested in the
1007 board of trustees, a water management district, or any other
1008 agency in the state for:

1009 1. Electric transmission and distribution lines;

1010 2. Natural gas pipelines; or

1011 3. Other linear facilities for which the Public Service
1012 Commission has determined a need exists or the Federal Energy
1013 Regulatory Commission has issued a Certificate of Public
1014 Convenience and Necessity.

1015 (b) In exchange for less than a fee simple interest

592-05450B-08

20081544c1

1016 acquired pursuant to this subsection, the grantee shall pay an
1017 amount equal to the fair market value of the interest acquired.
1018 In addition, for the initial grant of such interests only, the
1019 grantee shall also vest in the grantor a fee simple interest to
1020 other available land that is 1.5 times the size of the land
1021 acquired by the grantee. The grantor shall approve the property
1022 to be acquired on its behalf based on the geographic location in
1023 relation to the land relinquished by the grantor agency and a
1024 determination that the economic, ecological, and recreational
1025 value is at least equivalent to that of the property transferred
1026 to the public utility, regional transmission organization, or
1027 natural gas company.

1028 (c) In exchange for a fee simple interest acquired pursuant
1029 to this subsection, the grantee shall pay an amount equal to the
1030 fair market value of the interest acquired. In addition, for the
1031 initial grant of such interests only, the grantee shall also vest
1032 in the grantor a fee simple title to other available land that is
1033 two times the size of the land acquired by the grantee. The
1034 grantor shall approve the land to be acquired on its behalf based
1035 on a determination that the economic and ecological or
1036 recreational value is at least equivalent to that of the property
1037 transferred to the public utility, regional transmission
1038 organization, or natural gas company.

1039 (d) As an alternative to the consideration provided for in
1040 paragraphs (b) and (c), the grantee may, subject to the grantor's
1041 approval, pay the fair market value of the state-owned land plus
1042 one-half of the cost differential between the cost of
1043 constructing the facility on state-owned land and the cost of
1044 avoiding state-owned lands, up to a maximum of twice the fair

592-05450B-08

20081544c1

1045 market value of the land acquired by the grantee. The grantor may
1046 use these moneys to acquire fee simple or less than fee simple
1047 interest in other available land.

1048 Section 12. Paragraph (d) of subsection (3) of section
1049 255.249, Florida Statutes, is amended to read:

1050 255.249 Department of Management Services; responsibility;
1051 department rules.--

1052 (3)

1053 (d) By June 30 of each year, each state agency shall
1054 annually provide to the department all information regarding
1055 agency programs affecting the need for or use of space by that
1056 agency, reviews of lease-expiration schedules for each geographic
1057 area, active and planned full-time equivalent data, business case
1058 analyses related to consolidation plans by an agency,
1059 telecommuting plans, and current occupancy and relocation costs,
1060 inclusive of furnishings, fixtures and equipment, data, and
1061 communications.

1062 Section 13. Section 255.251, Florida Statutes, is amended
1063 to read:

1064 255.251 Energy Conservation and Sustainable in Buildings
1065 Act; short title.--Sections 255.251-255.258 may ~~This act shall~~ be
1066 cited as the "Florida Energy Conservation and Sustainable in
1067 Buildings Act ~~of 1974.~~"

1068 Section 14. Section 255.252, Florida Statutes, is amended
1069 to read:

1070 255.252 Findings and intent.--

1071 (1) Operating and maintenance expenditures associated with
1072 energy equipment and with energy consumed in state-financed and
1073 leased buildings represent a significant cost over the life of a

592-05450B-08

20081544c1

1074 building. Energy conserved by appropriate building design not
1075 only reduces the demand for energy but also reduces costs for
1076 building operation. ~~For example, commercial buildings are~~
1077 ~~estimated to use from 20 to 80 percent more energy than would be~~
1078 ~~required if energy conserving designs were used.~~ The size,
1079 design, orientation, and operability of windows, the ratio of
1080 ventilating air to air heated or cooled, the level of lighting
1081 consonant with space-use requirements, the handling of occupancy
1082 loads, and the ability to zone off areas not requiring equivalent
1083 levels of heating or cooling are but a few of the considerations
1084 necessary to conserving energy.

1085 (2) Significant efforts are needed to build energy-
1086 efficient state-owned buildings that meet environmental standards
1087 and underway by the General Services Administration, the National
1088 Institute of Standards and Technology, and others to detail the
1089 considerations and practices for energy conservation in
1090 buildings. Most important is that energy-efficient designs
1091 provide energy savings over the life of the building structure.
1092 ~~Conversely, energy-inefficient designs cause excess and wasteful~~
1093 ~~energy use and high costs over that life.~~ With buildings lasting
1094 many decades and with energy costs escalating rapidly, it is
1095 essential that the costs of operation and maintenance for energy-
1096 using equipment and sustainable materials be included in all
1097 design proposals for state-owned ~~state~~ buildings.

1098 (3) In order that such energy-efficiency and sustainable
1099 materials considerations become a function of building design,
1100 and also a model for future application in the private sector, it
1101 shall be the policy of the state that buildings constructed and
1102 financed by the state be designed and constructed in accordance

592-05450B-08

20081544c1

1103 with the United States Green Building Council (USGBC) Leadership
1104 in Energy and Environmental Design (LEED) rating system, with a
1105 goal of meeting the Platinum level rating, the Green Building
1106 Initiative's Green Globes rating system, or the Florida Green
1107 Building Coalition standards ~~in a manner which will minimize the~~
1108 ~~consumption of energy used in the operation and maintenance of~~
1109 ~~such buildings.~~ It is further the policy of the state, when
1110 economically feasible, to retrofit existing state-owned buildings
1111 in a manner that ~~which~~ will minimize the consumption of energy
1112 used in the operation and maintenance of such buildings.

1113 (4) In addition to designing and constructing new buildings
1114 to be energy-efficient, it shall be the policy of the state to
1115 operate, maintain, and renovate existing state facilities, or
1116 provide for their renovation, in accordance with the United
1117 States Green Building Council's Leadership in Energy and
1118 Environmental Design for Existing Buildings (LEED-EB) for smaller
1119 renovations, or the United States Green Building Council's
1120 Leadership in Energy and Environmental Design for New
1121 Construction (LEED-NC) for major renovations, with a goal of
1122 achieving the Platinum level rating, the Green Building
1123 Initiative's Green Globes rating system, or the Florida Green
1124 Building Coalition standards in order to ~~in a manner which will~~
1125 ~~minimize energy consumption and~~ maximize building sustainability
1126 as well as ensure that facilities leased by the state are
1127 operated so as to minimize energy use. State government entities
1128 ~~Agencies~~ are encouraged to consider shared savings financing of
1129 such energy efficiency and conservation projects, using contracts
1130 which split the resulting savings for a specified period of time
1131 between the state government entity ~~agency~~ and the private firm

592-05450B-08

20081544c1

1132 or cogeneration contracts which otherwise permit the state to
1133 lower its net energy costs. Such energy contracts may be funded
1134 from the operating budget.

1135 (5) Each state government entity occupying space within
1136 buildings owned or managed by the Department of Management
1137 Services must identify and compile a list of projects determined
1138 to be suitable for a guaranteed energy performance savings
1139 contract pursuant to s. 489.145. The list of projects compiled by
1140 each state government entity shall be submitted to the Department
1141 of Management Services by December 31, 2008, and must include all
1142 criteria used to determine suitability. The list of projects
1143 shall be developed from the list of state-owned facilities
1144 greater than 5,000 square feet in area and for which the state
1145 government entity is responsible for paying the expenses of
1146 utilities and other operating expenses as they relate to energy
1147 use. In consultation with each state government entity executive
1148 officer, by July 1, 2009, the department shall prioritize all
1149 projects deemed suitable by each state government entity and
1150 shall develop an energy efficiency project schedule based on
1151 factors such as project magnitude, efficiency and effectiveness
1152 of energy conservation measures to be implemented, and other
1153 factors that may prove to be advantageous to pursue. The schedule
1154 shall provide the deadline for improvements to be made to state-
1155 owned buildings under a guaranteed energy performance savings
1156 contract.

1157 Section 15. Section 255.253, Florida Statutes, is amended
1158 to read:

1159 255.253 Definitions; ss. 255.251-255.258.--

1160 (1) "Department" means the Department of Management

592-05450B-08

20081544c1

1161 Services.

1162 (2) "Facility" means a building or other structure.

1163 (3) "Energy performance index or indices" (EPI) means a
1164 number describing the energy requirements at the building
1165 boundary of a facility, per square foot of floor space or per
1166 cubic foot of occupied volume, as appropriate under defined
1167 internal and external ambient conditions over an entire seasonal
1168 cycle. As experience develops on the energy performance achieved
1169 with state building, the indices (EPI) will serve as a measure of
1170 building performance with respect to energy consumption.

1171 (4) "Life-cycle costs" means the cost of owning, operating,
1172 and maintaining the facility over the life of the structure. This
1173 may be expressed as an annual cost for each year of the
1174 facility's use.

1175 (5) "Shared savings financing" means the financing of
1176 energy conservation measures and maintenance services through a
1177 private firm which may own any purchased equipment for the
1178 duration of a contract, which may ~~shall~~ not exceed 10 years
1179 unless so authorized by the department. The ~~Such~~ contract shall
1180 specify that the private firm will be recompensed either out of a
1181 negotiated portion of the savings resulting from the conservation
1182 measures and maintenance services provided by the private firm
1183 or, in the case of a cogeneration project, through the payment of
1184 a rate for energy lower than would otherwise have been paid for
1185 the same energy from current sources.

1186 (6) "State government entity" means any state government
1187 entity listed in chapter 20 or the State Constitution.

1188 (7) "Sustainable building" means a building that is healthy
1189 and comfortable for its occupants and is economical to operate

592-05450B-08

20081544c1

1190 while conserving resources, including energy, water, raw
1191 materials, and land, and minimizing the generation and use of
1192 toxic materials and waste in its design, construction,
1193 landscaping, and operation.

1194 (8) "Sustainable building rating" means a rating
1195 established by the United States Green Building Council (USGBC)
1196 Leadership in Energy and Environmental Design (LEED) rating
1197 system, the Green Building Initiative's Green Globes rating
1198 system, or the Florida Green Building Coalition standards.

1199 Section 16. Section 255.254, Florida Statutes, is amended
1200 to read:

1201 255.254 No facility constructed or leased without life-
1202 cycle costs.--

1203 (1) A ~~No~~ state government entity may not ~~agency shall~~
1204 lease, construct, or have constructed, within limits prescribed
1205 herein, a facility without having secured from the department an
1206 ~~a proper~~ evaluation of life-cycle costs, ~~as computed by an~~
1207 ~~architect or engineer~~. Furthermore, construction shall proceed
1208 only upon disclosing to the department, for the facility chosen,
1209 the life-cycle costs as determined in s. 255.255, its sustainable
1210 building rating goal, and the capitalization of the initial
1211 construction costs of the building. The life-cycle costs and the
1212 sustainable building rating goal shall be ~~a~~ primary
1213 considerations ~~consideration~~ in the selection of a building
1214 design. ~~Such analysis shall be required only for construction of~~
1215 ~~buildings with an area of 5,000 square feet or greater~~. For
1216 leased buildings ~~areas~~ of 5,000 ~~20,000~~ square feet or greater
1217 within a given building boundary, an energy performance ~~a life-~~
1218 ~~eye~~ analysis consisting of a projection of the annual energy

592-05450B-08

20081544c1

1219 consumption costs in dollars per square foot of major energy-
1220 consuming equipment and systems based on actual expenses, from
1221 the last 3 years, and projected forward for the term of the
1222 proposed lease shall be performed, and a lease shall ~~only~~ be made
1223 only if ~~where~~ there is a showing that the energy life-cycle costs
1224 incurred by the state are minimal compared to available like
1225 facilities. Any building leased by the state from a private-
1226 sector vendor must include, as a part of the lease, provisions
1227 for monthly energy-use data to be collected and submitted monthly
1228 to the department by the owner of the building.

1229 (2) On and after January 1, 1979, a ~~ne~~ state government
1230 entity may not ~~agency shall~~ initiate construction or have
1231 construction initiated, prior to approval thereof by the
1232 department, on a facility or self-contained unit of any facility,
1233 the design and construction of which incorporates or contemplates
1234 the use of an energy system other than a solar energy system when
1235 the life-cycle costs analysis prepared by the department has
1236 determined that a solar energy system is the most cost-efficient
1237 energy system for the facility or unit.

1238 (3) After September 30, 1985, when any state government
1239 entity ~~agency~~ must replace or supplement major items of energy-
1240 consuming equipment in existing state-owned or leased facilities
1241 or any self-contained unit of any facility with other major items
1242 of energy-consuming equipment, the selection of such items shall
1243 be made on the basis of a life-cycle cost analysis of
1244 alternatives in accordance with rules promulgated by the
1245 department under s. 255.255.

1246 Section 17. Subsection (1) of section 255.255, Florida
1247 Statutes, is amended to read:

592-05450B-08

20081544c1

1248 255.255 Life-cycle costs.--

1249 (1) The department shall adopt ~~promulgate~~ rules and
1250 procedures, including energy conservation performance guidelines,
1251 based on sustainable building ratings, for conducting a life-
1252 cycle cost analysis of alternative architectural and engineering
1253 designs and alternative major items of energy-consuming equipment
1254 to be retrofitted in existing state-owned or leased facilities
1255 and for developing energy performance indices to evaluate the
1256 efficiency of energy utilization for competing designs in the
1257 construction of state-financed ~~and leased~~ facilities.

1258 Section 18. Section 255.257, Florida Statutes, is amended
1259 to read:

1260 255.257 Energy management; buildings occupied by state
1261 government entities ~~agencies~~.--

1262 (1) ENERGY CONSUMPTION AND COST DATA.--Each state
1263 government entity ~~agency~~ shall collect data on energy consumption
1264 and cost. The data gathered shall be on state-owned facilities
1265 and metered state-leased facilities of 5,000 net square feet or
1266 more. These data will be used in the computation of the
1267 effectiveness of the state energy management plan and the
1268 effectiveness of the energy management program of each ~~of the~~
1269 state government entity agencies. Collected data shall be
1270 reported to the department annually in a format prescribed by the
1271 department.

1272 (2) ENERGY MANAGEMENT COORDINATORS.--Each state government
1273 entity agency, ~~the Florida Public Service Commission, the~~
1274 ~~Department of Military Affairs, and the judicial branch~~ shall
1275 appoint a coordinator whose responsibility shall be to advise the
1276 head of the state government entity agency on matters relating to

592-05450B-08

20081544c1

1277 energy consumption in facilities under the control of that head
1278 or in space occupied by the various units comprising that state
1279 government entity ~~agency~~, in vehicles operated by that state
1280 government entity ~~agency~~, and in other energy-consuming
1281 activities of the state government entity ~~agency~~. The coordinator
1282 shall implement the energy management program agreed upon by the
1283 state government entity ~~agency~~ concerned and assist the
1284 department in the development of the State Energy Management
1285 Plan.

1286 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
1287 Department of Management Services shall ~~may~~ develop a state
1288 energy management plan consisting of, but not limited to, the
1289 following elements:

- 1290 (a) Data-gathering requirements;
- 1291 (b) Building energy audit procedures;
- 1292 (c) Uniform data analysis procedures;
- 1293 (d) Employee energy education program measures;
- 1294 (e) Energy consumption reduction techniques;
- 1295 (f) Training program for state government entity ~~agency~~
1296 energy management coordinators; and
- 1297 (g) Guidelines for building managers.

1298
1299 The plan shall include a description of the actions that each
1300 state government entity must take in order to reduce consumption
1301 of electricity and nonrenewable energy sources used for space
1302 heating and cooling, ventilation, lighting, water heating, and
1303 transportation. The state energy office shall provide technical
1304 assistance to the department in the development of the State
1305 Energy Management Plan.

592-05450B-08

20081544c1

1306 (4) ENERGY AND ENVIRONMENTAL DESIGN.--

1307 (a) Each state government entity shall adopt the standards
1308 of the United States Green Building Council's Leadership in
1309 Energy and Environmental Design for New Construction (LEED-NC),
1310 the Green Building Initiative's Green Globes for New Construction
1311 (NC) rating system, or the Florida Green Building Coalition
1312 standards for all new buildings, with a goal of achieving the
1313 LEED-NC Platinum or Green Globes for New Construction 4 Globes
1314 level rating for each construction project.

1315 (b) Each state government entity shall implement the
1316 United States Green Building Council's Leadership in Energy and
1317 Environmental Design for Existing Buildings (LEED-EB), the Green
1318 Building Initiative's Green Globes for the Continual Improvement
1319 of Existing Buildings (CIEB) rating system, or the Florida Green
1320 Building Coalition standards. A state government entity may
1321 prioritize implementation of LEED-EB standards or the Green
1322 Building Initiative's Green Globes (CIEB) rating system, or the
1323 Florida Green Building Coalition standards in order to gain the
1324 greatest environmental benefit within its existing budget for
1325 property management.

1326 (c) A state government entity may not enter into a new
1327 leasing agreement for office space that does not meet Energy Star
1328 building standards, except when determined by the appropriate
1329 state government entity executive that no other viable or cost-
1330 effective alternative exists.

1331 (d) Each state government entity shall develop energy-
1332 conservation measures and guidelines for new and existing office
1333 space if the state government entity occupies more than 5,000
1334 square feet. The conservation measures shall focus on programs

592-05450B-08

20081544c1

1335 that reduce energy consumption and, when established, provide a
1336 net reduction in occupancy costs.

1337 Section 19. Section 286.275, Florida Statutes, is created
1338 to read:

1339 286.275 Climate friendly public business.--

1340 (1) The Legislature recognizes the importance of leadership
1341 by state government in the area of energy efficiency and in
1342 reducing the greenhouse gas emissions of state government
1343 operations. The following shall pertain to all state government
1344 entities, as defined in this section, when conducting public
1345 business:

1346 (a) The Department of Management Services shall develop the
1347 Florida Climate Friendly Preferred Products List. In maintaining
1348 that list, the department, in consultation with the Department of
1349 Environmental Protection, shall continually assess products that
1350 are currently available for purchase under state term contracts
1351 and identify specific products and vendors that provide clear
1352 energy efficiency or other environmental benefits over competing
1353 products. When procuring products from state term contracts,
1354 state government entities shall first consult the Florida Climate
1355 Friendly Preferred Products List and procure such products if the
1356 cost does not exceed by 5 percent the most cost-effective
1357 alternative commodity not included on the list.

1358 (b) Effective July 1, 2008, state government entities shall
1359 contract for meeting and conference space only with hotels or
1360 conference facilities that have received the "Green Lodging"
1361 designation from the Department of Environmental Protection for
1362 best practices in water, energy, and waste-efficiency standards,
1363 unless the responsible state government entity's chief executive

592-05450B-08

20081544c1

1364 officer makes a determination that no other viable alternative
1365 exists. The Department of Environmental Protection may adopt
1366 rules to administer the Green Lodging Program.

1367 (c) The Department of Environmental Protection is
1368 authorized to establish voluntary technical assistance programs
1369 in accordance with s. 403.074. Such programs may include the
1370 Clean Marinas, Clean Boatyards, Clean Retailers, Clean Boaters,
1371 and Green Yards Programs. The programs may include
1372 certifications, designations, or other forms of recognition. The
1373 department may implement some or all of these programs through
1374 rulemaking; however, the rules may not impose requirements on a
1375 person who does not wish to participate in a program. Each state
1376 government entity shall patronize businesses that have received
1377 such certifications or designations to the greatest extent
1378 practical.

1379 (d) Each state government entity shall ensure that all
1380 maintained vehicles meet minimum maintenance schedules that have
1381 been shown to reduce fuel consumption, including maintaining
1382 appropriate tire pressures and tread depth, replacing fuel
1383 filters and emission filters at recommended intervals, using
1384 proper motor oils, and performing timely motor maintenance. Each
1385 state government entity shall measure and report compliance to
1386 the Department of Management Services through the equipment
1387 management information system database.

1388 (e) When procuring a new vehicle, each state government
1389 entity shall first define the intended purpose for the vehicle
1390 and determine for which of the following use classes the vehicle
1391 is being procured:

1392 1. State business travel, designated operator;

592-05450B-08

20081544c1

- 1393 2. State business travel, pool operators;
1394 3. Construction, agricultural, or maintenance work;
1395 4. Conveyance of passengers;
1396 5. Conveyance of building or maintenance materials and
1397 supplies;
1398 6. Off-road vehicles, motorcycles, or all-terrain vehicles;
1399 7. Emergency response; or
1400 8. Other.

1401
1402 Vehicles in subparagraphs 1. through 8., when being processed for
1403 purchase or leasing agreements, must be selected for the greatest
1404 fuel efficiency available for a given use class when fuel-economy
1405 data are available. Exceptions may be made for certain individual
1406 vehicles in subparagraph 7. when accompanied, during the
1407 procurement process, by documentation indicating that the
1408 operator or operators will exclusively be emergency first
1409 responders or have special documented need for exceptional
1410 vehicle-performance characteristics. Any request for an exception
1411 must be approved by the purchasing entity's chief executive
1412 officer and any exceptional vehicle-performance characteristics
1413 must be denoted as a part of the procurement process prior to
1414 purchase.

1415 (f) All state government entities shall use ethanol and
1416 biodiesel-blended fuels when available. State government entities
1417 administering central fueling operations for state-owned vehicles
1418 shall procure biofuels for fleet needs to the greatest extent
1419 practicable.

1420 (2) As used in this section, the term "state government
1421 entity" means any state government entity listed in chapter 20 or

592-05450B-08

20081544c1

1422 the State Constitution.

1423 Section 20. Paragraph (b) of subsection (2) and subsection
1424 (5) of section 287.063, Florida Statutes, are amended to read:

1425 287.063 Deferred-payment commodity contracts; preaudit
1426 review.--

1427 (2)

1428 (b) The Chief Financial Officer shall establish, by rule,
1429 criteria for approving purchases made under deferred-payment
1430 contracts which require the payment of interest. Criteria shall
1431 include, but not be limited to, the following provisions:

1432 1. No contract shall be approved in which interest exceeds
1433 the statutory ceiling contained in this section. However, the
1434 interest component of any master equipment financing agreement
1435 entered into for the purpose of consolidated financing of a
1436 deferred-payment, installment sale, or lease-purchase shall be
1437 deemed to comply with the interest rate limitation of this
1438 section so long as the interest component of every interagency
1439 agreement under such master equipment financing agreement
1440 complies with the interest rate limitation of this section.

1441 2. No deferred-payment purchase for less than \$30,000 shall
1442 be approved, unless it can be satisfactorily demonstrated and
1443 documented to the Chief Financial Officer that failure to make
1444 such deferred-payment purchase would adversely affect an agency
1445 in the performance of its duties. However, the Chief Financial
1446 Officer may approve any deferred-payment purchase if the Chief
1447 Financial Officer determines that such purchase is economically
1448 beneficial to the state.

1449 ~~3. No agency shall obligate an annualized amount of~~
1450 ~~payments for deferred-payment purchases in excess of current~~

592-05450B-08

20081544c1

1451 ~~operating capital outlay appropriations, unless specifically~~
1452 ~~authorized by law or unless it can be satisfactorily demonstrated~~
1453 ~~and documented to the Chief Financial Officer that failure to~~
1454 ~~make such deferred-payment purchase would adversely affect an~~
1455 ~~agency in the performance of its duties.~~

1456 3.4. No contract shall be approved which extends payment
1457 beyond 5 years, unless it can be satisfactorily demonstrated and
1458 documented to the Chief Financial Officer that failure to make
1459 such deferred-payment purchase would adversely affect an agency
1460 in the performance of its duties. The payment term may not exceed
1461 the useful life of the equipment unless the contract provides for
1462 the replacement or the extension of the useful life of the
1463 equipment during the term of the loan.

1464 (5) For purposes of this section, the annualized amount of
1465 any such deferred payment commodity contract must be supported
1466 from available recurring funds appropriated to the agency in an
1467 appropriation category, ~~other than the expense appropriation~~
1468 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1469 Financial Officer has determined is appropriate or that the
1470 Legislature has designated for payment of the obligation incurred
1471 under this section.

1472 Section 21. Subsections (10) and (11) of section 287.064,
1473 Florida Statutes, are amended to read:

1474 287.064 Consolidated financing of deferred-payment
1475 purchases.--

1476 (10) (a) A master equipment financing agreement may finance
1477 the cost of energy, water, or wastewater efficiency and
1478 conservation measures, as defined in s. 489.145, excluding the
1479 costs of training, operation, and maintenance, for a term of

592-05450B-08

20081544c1

1480 repayment that may exceed 5 years but not more than 20 years.

1481 (b) The guaranteed energy, water, and wastewater savings
1482 contractor shall provide for the replacement or the extension of
1483 the useful life of the equipment during the term of the contract.

1484 ~~Costs incurred pursuant to a guaranteed energy performance~~
1485 ~~savings contract, including the cost of energy conservation~~
1486 ~~measures, each as defined in s. 489.145, may be financed pursuant~~
1487 ~~to a master equipment financing agreement; however, the costs of~~
1488 ~~training, operation, and maintenance may not be financed. The~~
1489 ~~period of time for repayment of the funds drawn pursuant to the~~
1490 ~~master equipment financing agreement under this subsection may~~
1491 ~~exceed 5 years but may not exceed 10 years.~~

1492 (11) For purposes of consolidated financing of deferred
1493 payment commodity contracts under this section by a state agency,
1494 the annualized amount of any such contract must be supported from
1495 available recurring funds appropriated to the agency in an
1496 appropriation category, ~~other than the expense appropriation~~
1497 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1498 Financial Officer has determined is appropriate or which ~~that~~ the
1499 Legislature has designated for payment of the obligation incurred
1500 under this section.

1501 Section 22. Subsection (12) is added to section
1502 287.16, Florida Statutes, to read:

1503 287.16 Powers and duties of department.--The Department of
1504 Management Services shall have the following powers, duties, and
1505 responsibilities:

1506 (12) To conduct, in coordination with the Department of
1507 Transportation, an analysis of ethanol and biodiesel use by the
1508 Department of Transportation through its central fueling

592-05450B-08

20081544c1

1509 facilities. The Department of Management Services shall encourage
1510 other state government entities to analyze transportation fuel
1511 usage, including the different types and percentages of fuels
1512 consumed, and report such information to the department.

1513 Section 23. Present paragraphs (a) through (n) of
1514 subsection (2) of section 288.1089, Florida Statutes, are
1515 redesignated as paragraphs (b) through (o), respectively, and a
1516 new paragraph (a) is added to that subsection, subsection (3) of
1517 that section is amended, and paragraph (d) is added to subsection
1518 (4) of that section, to read:

1519 288.1089 Innovation Incentive Program.--

1520 (2) As used in this section, the term:

1521 (a) "Alternative and renewable energy" means electrical,
1522 mechanical, or thermal energy produced from a method that uses
1523 one or more of the following fuels or energy sources: ethanol,
1524 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
1525 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
1526 or geothermal.

1527 (3) To be eligible for consideration for an innovation
1528 incentive award, an innovation business, ~~or~~ research and
1529 development entity, or alternative and renewable energy project
1530 must submit a written application to Enterprise Florida, Inc.,
1531 before making a decision to locate new operations in this state
1532 or expand an existing operation in this state. The application
1533 must include, but not be limited to:

1534 (a) The applicant's federal employer identification number,
1535 unemployment account number, and state sales tax registration
1536 number. If such numbers are not available at the time of
1537 application, they must be submitted to the office in writing

592-05450B-08

20081544c1

1538 prior to the disbursement of any payments under this section.

1539 (b) The location in this state at which the project is
1540 located or is to be located.

1541 (c) A description of the type of business activity,
1542 product, or research and development undertaken by the applicant,
1543 including six-digit North American Industry Classification System
1544 codes for all activities included in the project.

1545 (d) The applicant's projected investment in the project.

1546 (e) The total investment, from all sources, in the project.

1547 (f) The number of net new full-time equivalent jobs in this
1548 state the applicant anticipates having created as of December 31
1549 of each year in the project and the average annual wage of such
1550 jobs.

1551 (g) The total number of full-time equivalent employees
1552 currently employed by the applicant in this state, if applicable.

1553 (h) The anticipated commencement date of the project.

1554 (i) A detailed explanation of why the innovation incentive
1555 is needed to induce the applicant to expand or locate in the
1556 state and whether an award would cause the applicant to locate or
1557 expand in this state.

1558 (j) If applicable, an estimate of the proportion of the
1559 revenues resulting from the project that will be generated
1560 outside this state.

1561 (4) To qualify for review by the office, the applicant
1562 must, at a minimum, establish the following to the satisfaction
1563 of Enterprise Florida, Inc., and the office:

1564 (d) For an alternative and renewable energy project in this
1565 state, the project must:

1566 1. Demonstrate a plan for significant collaboration with an

592-05450B-08

20081544c1

- 1567 institution of higher education;
- 1568 2. Provide the state, at a minimum, a break-even return on
- 1569 investment within a 20-year period;
- 1570 3. Include matching funds provided by the applicant or
- 1571 other available sources. This requirement may be waived if the
- 1572 office and the department determine that the merits of the
- 1573 individual project or the specific circumstances warrant such
- 1574 action;
- 1575 4. Be located in this state;
- 1576 5. Provide jobs that pay an estimated annual average wage
- 1577 that equals at least 130 percent of the average private-sector
- 1578 wage. The average wage requirement may be waived if the office
- 1579 and the commission determine that the merits of the individual
- 1580 project or the specific circumstances warrant such action; and
- 1581 6. Meet one of the following criteria:
- 1582 a. Result in the creation of at least 35 direct, new jobs
- 1583 at the business.
- 1584 b. Have an activity or product that uses feedstock or other
- 1585 raw materials grown or produced in this state.
- 1586 c. Have a cumulative investment of at least \$50 million
- 1587 within a 5-year period.
- 1588 d. Address the technical feasibility of the technology, and
- 1589 the extent to which the proposed project has been demonstrated to
- 1590 be technically feasible based on pilot project demonstrations,
- 1591 laboratory testing, scientific modeling, or engineering or
- 1592 chemical theory that supports the proposal.
- 1593 e. Include innovative technology and the degree to which
- 1594 the project or business incorporates an innovative new technology
- 1595 or an innovative application of an existing technology.

592-05450B-08

20081544c1

1596 f. Include production potential and the degree to which a
1597 project or business generates thermal, mechanical, or electrical
1598 energy by means of a renewable energy resource that has
1599 substantial long-term production potential. The project must, to
1600 the extent possible, quantify annual production potential in
1601 megawatts or kilowatts.

1602 g. Include and address energy efficiency and the degree to
1603 which a project demonstrates efficient use of energy, water, and
1604 material resources.

1605 h. Include project management and the ability of management
1606 to administer a complete the business project.

1607 Section 24. Subsection (1) of section 337.401, Florida
1608 Statutes, is amended to read:

1609 337.401 Use of right-of-way for utilities subject to
1610 regulation; permit; fees.--

1611 (1) The department and local governmental entities,
1612 referred to in ss. 337.401-337.404 as the "authority," that have
1613 jurisdiction and control of public roads or publicly owned rail
1614 corridors are authorized to prescribe and enforce reasonable
1615 rules or regulations with reference to the placing and
1616 maintaining along, across, or on any road or publicly owned rail
1617 corridors under their respective jurisdictions any electric
1618 transmission, telephone, telegraph, or other communications
1619 services lines; pole lines; poles; railways; ditches; sewers;
1620 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1621 pumps; or other structures ~~hereinafter~~ referred to in this
1622 section as the "utility." For aerial and underground electric
1623 utility transmission lines designed to operate at 69 kV or more
1624 which are needed to accommodate the additional electrical

592-05450B-08

20081544c1

1625 transfer capacity on the transmission grid resulting from new
1626 base load generating facilities, where there is no other
1627 practicable alternative available for placement of the electric
1628 utility transmission lines on the department's rights-of-way, the
1629 department's rules shall provide for placement of and access to
1630 such transmission lines adjacent to and within the right-of-way
1631 of any department-controlled public roads, including
1632 longitudinally within limited access facilities to the greatest
1633 extent allowed by federal law if compliance with the standards
1634 established by such rules is achieved. Such rules may include,
1635 but need not be limited to, presentation of competent and
1636 substantial evidence that the use of the right-of-way is
1637 reasonable based upon a consideration of economic and
1638 environmental factors, including an assessment of practicable
1639 alternative alignments, including, without limitation, other
1640 utility corridors and easements and minimum clear zones and other
1641 safety standards if such improvements do not interfere with
1642 operational requirements of the transportation facility or
1643 planned or potential future expansion of such transportation
1644 facility. If the department approves longitudinal placement of
1645 electric utility transmission lines in limited access facilities,
1646 compensation for the use of the right-of-way is required. Such
1647 consideration or compensation paid by the electric utility in
1648 connection with the department's issuance of a permit does not
1649 create any property right in the department's property regardless
1650 of the amount of consideration paid or the improvements
1651 constructed on the property by the utility. For aerial and
1652 underground electric utility transmission lines designed to
1653 operate at 69 kV or more which are needed to accommodate the

592-05450B-08

20081544c1

1654 additional electrical transfer capacity on the transmission grid
1655 resulting from new base load generating facilities, where there
1656 is no other practicable alternative available for placement of
1657 the electric utility transmission lines on the department's
1658 rights-of-way, the department's rules shall provide for placement
1659 of and access to such transmission lines adjacent to and within
1660 the right-of-way of any department-controlled public roads,
1661 including longitudinally within limited access facilities to the
1662 greatest extent allowed by federal law if compliance with the
1663 standards established by such rules is achieved. Such rules may
1664 include, but need not be limited to, presentation of competent
1665 and substantial evidence that the use of the right-of-way is
1666 reasonable based upon a consideration of economic and
1667 environmental factors, including, without limitation, other
1668 utility corridors and easements and minimum clear zones and other
1669 safety standards if such improvements do not interfere with
1670 operational requirements of the transportation facility or
1671 planned or potential future expansion of such transportation
1672 facility. If the department approves longitudinal placement of
1673 electric utility transmission lines in limited access facilities,
1674 compensation for the use of the right-of-way is required. Such
1675 consideration or compensation paid by the electric utility in
1676 connection with the department's issuance of a permit does not
1677 create any property right in the department's property regardless
1678 of the amount of consideration paid or the improvements
1679 constructed on the property by the utility. Upon notice by the
1680 department that the property is needed for expansion or
1681 improvement of the transportation facility, the electric utility
1682 transmission line shall relocate from the facility at the

592-05450B-08

20081544c1

1683 electric utility's sole expense. Such relocation shall occur
1684 under a schedule mutually agreed upon by the department and the
1685 electric utility, taking into consideration the maintenance of
1686 overall grid reliability and minimizing the relocation costs to
1687 the electric utility's customers. If the utility fails to meet
1688 the agreed upon schedule for relocation, the utility shall be
1689 responsible for reasonable direct delay damages due to the sole
1690 negligence of the electric utility as determined by a court of
1691 competent jurisdiction. As used in this subsection, the term
1692 "base load generating facilities" mean electrical power plants
1693 that are certified under part II of chapter 403. The department
1694 may enter into a permit-delegation agreement with a governmental
1695 entity if issuance of a permit is based on requirements that the
1696 department finds will ensure the safety and integrity of
1697 facilities of the Department of Transportation; however, the
1698 permit-delegation agreement does not apply to facilities of
1699 electric utilities as defined in s. 366.02(2).

1700 Section 25. Subsections (1) and (7) and paragraph (b) of
1701 subsection (8) of section 339.175, Florida Statutes, are amended
1702 to read:

1703 339.175 Metropolitan planning organization.--

1704 (1) PURPOSE.--It is the intent of the Legislature to
1705 encourage and promote the safe and efficient management,
1706 operation, and development of surface transportation systems that
1707 will serve the mobility needs of people and freight and foster
1708 economic growth and development within and through urbanized
1709 areas of this state while minimizing transportation-related fuel
1710 consumption, and air pollution, and greenhouse gas emissions
1711 through metropolitan transportation planning processes identified

592-05450B-08

20081544c1

1712 | in this section. To accomplish these objectives, metropolitan
1713 | planning organizations, referred to in this section as M.P.O.'s,
1714 | shall develop, in cooperation with the state and public transit
1715 | operators, transportation plans and programs for metropolitan
1716 | areas. The plans and programs for each metropolitan area must
1717 | provide for the development and integrated management and
1718 | operation of transportation systems and facilities, including
1719 | pedestrian walkways and bicycle transportation facilities that
1720 | will function as an intermodal transportation system for the
1721 | metropolitan area, based upon the prevailing principles provided
1722 | in s. 334.046(1). The process for developing such plans and
1723 | programs shall provide for consideration of all modes of
1724 | transportation and shall be continuing, cooperative, and
1725 | comprehensive, to the degree appropriate, based on the complexity
1726 | of the transportation problems to be addressed. To ensure that
1727 | the process is integrated with the statewide planning process,
1728 | M.P.O.'s shall develop plans and programs that identify
1729 | transportation facilities that should function as an integrated
1730 | metropolitan transportation system, giving emphasis to facilities
1731 | that serve important national, state, and regional transportation
1732 | functions. For the purposes of this section, those facilities
1733 | include the facilities on the Strategic Intermodal System
1734 | designated under s. 339.63 and facilities for which projects have
1735 | been identified pursuant to s. 339.2819(4).

1736 | (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1737 | develop a long-range transportation plan that addresses at least
1738 | a 20-year planning horizon. The plan must include both long-range
1739 | and short-range strategies and must comply with all other state
1740 | and federal requirements. The prevailing principles to be

592-05450B-08

20081544c1

1741 considered in the long-range transportation plan are: preserving
1742 the existing transportation infrastructure; enhancing Florida's
1743 economic competitiveness; and improving travel choices to ensure
1744 mobility. The long-range transportation plan must be consistent,
1745 to the maximum extent feasible, with future land use elements and
1746 the goals, objectives, and policies of the approved local
1747 government comprehensive plans of the units of local government
1748 located within the jurisdiction of the M.P.O. Each M.P.O. is
1749 encouraged to consider strategies that integrate transportation
1750 and land use planning to provide for sustainable development and
1751 reduce greenhouse gas emissions. The approved long-range
1752 transportation plan must be considered by local governments in
1753 the development of the transportation elements in local
1754 government comprehensive plans and any amendments thereto. The
1755 long-range transportation plan must, at a minimum:

1756 (a) Identify transportation facilities, including, but not
1757 limited to, major roadways, airports, seaports, spaceports,
1758 commuter rail systems, transit systems, and intermodal or
1759 multimodal terminals that will function as an integrated
1760 metropolitan transportation system. The long-range transportation
1761 plan must give emphasis to those transportation facilities that
1762 serve national, statewide, or regional functions, and must
1763 consider the goals and objectives identified in the Florida
1764 Transportation Plan as provided in s. 339.155. If a project is
1765 located within the boundaries of more than one M.P.O., the
1766 M.P.O.'s must coordinate plans regarding the project in the long-
1767 range transportation plan.

1768 (b) Include a financial plan that demonstrates how the plan
1769 can be implemented, indicating resources from public and private

592-05450B-08

20081544c1

1770 sources which are reasonably expected to be available to carry
1771 out the plan, and recommends any additional financing strategies
1772 for needed projects and programs. The financial plan may include,
1773 for illustrative purposes, additional projects that would be
1774 included in the adopted long-range transportation plan if
1775 reasonable additional resources beyond those identified in the
1776 financial plan were available. For the purpose of developing the
1777 long-range transportation plan, the M.P.O. and the department
1778 shall cooperatively develop estimates of funds that will be
1779 available to support the plan implementation. Innovative
1780 financing techniques may be used to fund needed projects and
1781 programs. Such techniques may include the assessment of tolls,
1782 the use of value capture financing, or the use of value pricing.

1783 (c) Assess capital investment and other measures necessary
1784 to:

1785 1. Ensure the preservation of the existing metropolitan
1786 transportation system including requirements for the operation,
1787 resurfacing, restoration, and rehabilitation of major roadways
1788 and requirements for the operation, maintenance, modernization,
1789 and rehabilitation of public transportation facilities; and

1790 2. Make the most efficient use of existing transportation
1791 facilities to relieve vehicular congestion and maximize the
1792 mobility of people and goods.

1793 (d) Indicate, as appropriate, proposed transportation
1794 enhancement activities, including, but not limited to, pedestrian
1795 and bicycle facilities, scenic easements, landscaping, historic
1796 preservation, mitigation of water pollution due to highway
1797 runoff, and control of outdoor advertising.

1798 (e) In addition to the requirements of paragraphs (a)-(d),

592-05450B-08

20081544c1

1799 | in metropolitan areas that are classified as nonattainment areas
1800 | for ozone or carbon monoxide, the M.P.O. must coordinate the
1801 | development of the long-range transportation plan with the State
1802 | Implementation Plan developed pursuant to the requirements of the
1803 | federal Clean Air Act.

1804

1805 | In the development of its long-range transportation plan, each
1806 | M.P.O. must provide the public, affected public agencies,
1807 | representatives of transportation agency employees, freight
1808 | shippers, providers of freight transportation services, private
1809 | providers of transportation, representatives of users of public
1810 | transit, and other interested parties with a reasonable
1811 | opportunity to comment on the long-range transportation plan. The
1812 | long-range transportation plan must be approved by the M.P.O.

1813 | (8) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O. shall,
1814 | in cooperation with the state and affected public transportation
1815 | operators, develop a transportation improvement program for the
1816 | area within the jurisdiction of the M.P.O. In the development of
1817 | the transportation improvement program, each M.P.O. must provide
1818 | the public, affected public agencies, representatives of
1819 | transportation agency employees, freight shippers, providers of
1820 | freight transportation services, private providers of
1821 | transportation, representatives of users of public transit, and
1822 | other interested parties with a reasonable opportunity to comment
1823 | on the proposed transportation improvement program.

1824 | (b) Each M.P.O. annually shall prepare a list of project
1825 | priorities and shall submit the list to the appropriate district
1826 | of the department by October 1 of each year; however, the
1827 | department and a metropolitan planning organization may, in

592-05450B-08

20081544c1

1828 writing, agree to vary this submittal date. The list of project
1829 priorities must be formally reviewed by the technical and
1830 citizens' advisory committees, and approved by the M.P.O., before
1831 it is transmitted to the district. The approved list of project
1832 priorities must be used by the district in developing the
1833 district work program and must be used by the M.P.O. in
1834 developing its transportation improvement program. The annual
1835 list of project priorities must be based upon project selection
1836 criteria that, at a minimum, consider the following:

- 1837 1. The approved M.P.O. long-range transportation plan;
- 1838 2. The Strategic Intermodal System Plan developed under s.
1839 339.64.
- 1840 3. The priorities developed pursuant to s. 339.2819(4).
- 1841 4. The results of the transportation management systems;
- 1842 ~~and~~
- 1843 5. The M.P.O.'s public-involvement procedures; ~~and~~
- 1844 6. To provide for sustainable growth and reduce greenhouse
1845 gas emissions.

1846 Section 26. Section 366.82, Florida Statutes, is amended to
1847 read:

1848 366.82 Definition; goals; plans; programs; annual reports;
1849 energy audits.--

1850 (1) For the purposes of ss. 366.80-366.85 and 403.519,
1851 "utility" means any person or entity of whatever form which
1852 provides electricity or natural gas at retail to the public,
1853 specifically including municipalities or instrumentalities
1854 thereof and cooperatives organized under the Rural Electric
1855 Cooperative Law and specifically excluding any municipality or
1856 instrumentality thereof, any cooperative organized under the

592-05450B-08

20081544c1

1857 Rural Electric Cooperative Law, or any other person or entity
1858 providing natural gas at retail to the public whose annual sales
1859 volume is less than 100 million therms or any municipality or
1860 instrumentality thereof and any cooperative organized under the
1861 Rural Electric Cooperative Law providing electricity at retail to
1862 the public whose annual sales as of July 1, 1993, to end-use
1863 customers is less than 2,000 gigawatt hours.

1864 (2) The commission shall adopt appropriate goals for
1865 increasing the efficiency of energy consumption and increasing
1866 the development of cogeneration, specifically including goals
1867 designed to increase the conservation of expensive resources,
1868 such as petroleum fuels, to reduce and control the growth rates
1869 of electric consumption, and to reduce the growth rates of
1870 weather-sensitive peak demand. The Executive Office of the
1871 Governor shall be a party in the proceedings to adopt goals. The
1872 commission may change the goals for reasonable cause. The time
1873 period to review the goals, however, must ~~shall~~ not exceed 5
1874 years. After the programs and plans to meet those goals are
1875 completed, the commission shall determine what further goals,
1876 programs, or plans are warranted and, if so, shall adopt them.

1877 (3) The commission shall publish a notice of proposed
1878 rulemaking no later than July 1, 2009, requiring electric
1879 utilities to offset 20 percent of their annual load-growth
1880 through energy efficiency and conservation measures thereby
1881 constituting an energy-efficiency portfolio standard. The
1882 commission may allow efficiency investments across generation,
1883 transmission, and distribution as well as efficiencies within the
1884 user base. As part of the implementation rules, the commission
1885 shall create an in-state market for tradable credits enabling

592-05450B-08

20081544c1

1886 those electric utilities that exceed the standard to sell credits
1887 to those that cannot meet the standard for a given year. This
1888 efficiency standard is separate from and exclusive of the
1889 renewable portfolio standard that requires electricity providers
1890 to obtain a minimum percentage of their power from renewable
1891 energy resources. Every 3 years the commission shall review and
1892 reevaluate this efficacy of efficiency standard on a regional and
1893 statewide approach.

1894 (4)~~(3)~~ Following adoption of goals pursuant to subsection
1895 (3)~~(2)~~, the commission shall require each utility to develop
1896 plans and programs to meet the overall goals within its service
1897 area. If any plan or program includes loans, collection of loans,
1898 or similar banking functions by a utility and the plan is
1899 approved by the commission, the utility shall perform such
1900 functions, notwithstanding any other provision of the law. The
1901 commission may pledge up to \$5 million of the Florida Public
1902 Service Regulatory Trust Fund to guarantee such loans. However,
1903 no utility shall be required to loan its funds for the purpose of
1904 purchasing or otherwise acquiring conservation measures or
1905 devices, but nothing herein shall prohibit or impair the
1906 administration or implementation of a utility plan as submitted
1907 by a utility and approved by the commission under this
1908 subsection. If the commission disapproves a plan, it shall
1909 specify the reasons for disapproval, and the utility whose plan
1910 is disapproved shall resubmit its modified plan within 30 days.
1911 Prior approval by the commission shall be required to modify or
1912 discontinue a plan, or part thereof, which has been approved. If
1913 any utility has not implemented its programs and is not
1914 substantially in compliance with the provisions of its approved

592-05450B-08

20081544c1

1915 | plan at any time, the commission shall adopt programs required
1916 | for that utility to achieve the overall goals. Utility programs
1917 | may include variations in rate design, load control,
1918 | cogeneration, residential energy conservation subsidy, or any
1919 | other measure within the jurisdiction of the commission which the
1920 | commission finds likely to be effective; this provision shall not
1921 | be construed to preclude these measures in any plan or program.

1922 | ~~(5)-(4)~~ The commission shall require periodic reports from
1923 | each utility and shall provide the Legislature and the Governor
1924 | with an annual report by March 1 of the goals it has adopted and
1925 | its progress toward meeting those goals. The commission shall
1926 | also consider the performance of each utility pursuant to ss.
1927 | 366.80-366.85 and 403.519 when establishing rates for those
1928 | utilities over which the commission has ratesetting authority.

1929 | (6) The commission shall require municipal and cooperative
1930 | utilities that are exempt from the Florida Energy Efficiency and
1931 | Conservation Act to submit an annual report to the commission
1932 | identifying energy efficiency and conservation goals and the
1933 | actions taken to meet those goals.

1934 | ~~(7)-(5)~~ The commission shall require each utility to offer,
1935 | or to contract to offer, energy audits to its residential
1936 | customers. This requirement need not be uniform, but may be based
1937 | on such factors as level of usage, geographic location, or any
1938 | other reasonable criterion, so long as all eligible customers are
1939 | notified. The commission may extend this requirement to some or
1940 | all commercial customers. The commission shall set the charge for
1941 | audits by rule, not to exceed the actual cost, and may describe
1942 | by rule the general form and content of an audit. In the event
1943 | one utility contracts with another utility to perform audits for

592-05450B-08

20081544c1

1944 it, the utility for which the audits are performed shall pay the
1945 contracting utility the reasonable cost of performing the audits.
1946 Each utility over which the commission has ratesetting authority
1947 shall estimate its costs and revenues for audits, conservation
1948 programs, and implementation of its plan for the immediately
1949 following 6-month period. Reasonable and prudent unreimbursed
1950 costs projected to be incurred, or any portion of such costs, may
1951 be added to the rates which would otherwise be charged by a
1952 utility upon approval by the commission, provided that the
1953 commission shall not allow the recovery of the cost of any
1954 company image-enhancing advertising or of any advertising not
1955 directly related to an approved conservation program. Following
1956 each 6-month period, each utility shall report the actual results
1957 for that period to the commission, and the difference, if any,
1958 between actual and projected results shall be taken into account
1959 in succeeding periods. The state plan as submitted for
1960 consideration under the National Energy Conservation Policy Act
1961 shall not be in conflict with any state law or regulation.

1962 (8)~~(6)~~(a) Notwithstanding the provisions of s. 377.703, the
1963 commission shall be the responsible state agency for performing,
1964 coordinating, implementing, or administering the functions of the
1965 state plan submitted for consideration under the National Energy
1966 Conservation Policy Act and any acts amendatory thereof or
1967 supplemental thereto and for performing, coordinating,
1968 implementing, or administering the functions of any future
1969 federal program delegated to the state which relates to
1970 consumption, utilization, or conservation of electricity or
1971 natural gas; and the commission shall have exclusive
1972 responsibility for preparing all reports, information, analyses,

592-05450B-08

20081544c1

1973 recommendations, and materials related to consumption,
1974 utilization, or conservation of electrical energy which are
1975 required or authorized by s. 377.703.

1976 (b) The Executive Office of the Governor shall be a party
1977 in the proceedings to adopt goals and shall file with the
1978 commission comments on the proposed goals including, but not
1979 limited to:

1980 1. An evaluation of utility load forecasts, including an
1981 assessment of alternative supply and demand side resource
1982 options.

1983 2. An analysis of various policy options which can be
1984 implemented to achieve a least-cost strategy.

1985 ~~(9)~~ (7) The commission shall establish all minimum
1986 requirements for energy auditors used by each utility. The
1987 commission is authorized to contract with any public agency or
1988 other person to provide any training, testing, evaluation, or
1989 other step necessary to fulfill the provisions of this
1990 subsection.

1991 (10) In evaluating the cost-effectiveness of demand-side
1992 management programs, the commission shall use methodologies that
1993 recognize the noneconomic benefits associated with reduced energy
1994 demand from energy efficiency and conservation programs and that
1995 recognize the benefits associated with not constructing new
1996 generation capacity.

1997 (11) The commission shall establish a renewable energy
1998 portfolio standard that requires electric utilities to generate
1999 or purchase a specified percentage of their electrical power from
2000 renewable energy resources of which not less than 3 percent must
2001 be solar and located within the state. Municipal and cooperative

592-05450B-08

20081544c1

2002 utilities that are exempt from the Florida Energy Efficiency and
2003 Conservation Act shall submit an annual report to the commission
2004 identifying the respective percentage of their electrical power
2005 that is generated or purchased from such renewable energy
2006 resources. The commission may adopt rules to administer this
2007 subsection.

2008 Section 27. Paragraph (d) of subsection (1) of section
2009 366.8255, Florida Statutes, is amended to read:

2010 366.8255 Environmental cost recovery.--

2011 (1) As used in this section, the term:

2012 (d) "Environmental compliance costs" includes all costs or
2013 expenses incurred by an electric utility in complying with
2014 environmental laws or regulations, including, but not limited to:

2015 1. Inservice capital investments, including the electric
2016 utility's last authorized rate of return on equity thereon;

2017 2. Operation and maintenance expenses;

2018 3. Fuel procurement costs;

2019 4. Purchased power costs;

2020 5. Emission allowance costs;

2021 6. Direct taxes on environmental equipment; ~~and~~

2022 7. Costs or expenses prudently incurred by an electric
2023 utility pursuant to an agreement entered into on or after the
2024 effective date of this act and prior to October 1, 2002, between
2025 the electric utility and the Florida Department of Environmental
2026 Protection or the United States Environmental Protection Agency
2027 for the exclusive purpose of ensuring compliance with ozone
2028 ambient air quality standards by an electrical generating
2029 facility owned by the electric utility; ~~-~~

2030 8. Costs or expenses prudently incurred for scientific

592-05450B-08

20081544c1

2031 research and geological assessments of carbon capture and storage
2032 for the purpose of reducing an electric utility's greenhouse gas
2033 emissions as defined in s. 403.44 when such costs or expenses are
2034 incurred in joint research projects with this state's government
2035 agencies and universities; and

2036 9. Costs or expenses prudently incurred for the
2037 quantification, reporting, and verification of greenhouse gas
2038 emissions by third parties as required for participation in
2039 emission registries.

2040 Section 28. Section 366.93, Florida Statutes, is amended to
2041 read:

2042 366.93 Cost recovery for the siting, design, licensing, and
2043 construction of nuclear and integrated gasification combined
2044 cycle power plants.--

2045 (1) As used in this section, the term:

2046 (a) "Cost" includes, but is not limited to, all capital
2047 investments, including rate of return, any applicable taxes, and
2048 all expenses, including operation and maintenance expenses,
2049 related to or resulting from the siting, licensing, design,
2050 construction, or operation of the nuclear power plant and any
2051 new, enlarged, or relocated electrical transmission lines or
2052 facilities of any size which are necessary to serve the nuclear
2053 or integrated gasification combined cycle power plant.

2054 (b) "Electric utility" or "utility" has the same meaning as
2055 that provided in s. 366.8255(1) (a).

2056 (c) "Integrated gasification combined cycle power plant" or
2057 "plant" is an electrical power plant as defined in s. 403.503(14)
2058 which ~~s. 403.503(13)~~ that uses synthesis gas produced by
2059 integrated gasification technology.

592-05450B-08

20081544c1

2060 ~~(c)(d)~~ "Nuclear power plant" or "plant" means ~~is~~ an
2061 electrical power plant, as defined in s. 403.503(14), which ~~s.~~
2062 ~~403.503(13)~~ that uses nuclear materials for fuel.

2063 ~~(d)(e)~~ "Power plant" or "plant" means a nuclear power plant
2064 or an integrated gasification combined cycle power plant.

2065 ~~(e)(f)~~ "Preconstruction" is that period of time after a
2066 site, including any related electrical transmission lines or
2067 facilities, has been selected through and including the date the
2068 utility completes site-clearing ~~site-clearing~~ work.

2069 Preconstruction costs shall be afforded deferred accounting
2070 treatment and shall accrue a carrying charge equal to the
2071 utility's allowance for funds during construction (AFUDC) rate
2072 until recovered in rates.

2073 (2) Within 6 months after the enactment of this act, the
2074 commission shall establish, by rule, alternative cost recovery
2075 mechanisms for the recovery of costs incurred in the siting,
2076 design, licensing, and construction of a nuclear power plant,
2077 including new, expanded, or relocated electrical transmission
2078 lines and facilities that are necessary to serve the nuclear or
2079 integrated gasification combined cycle power plant. Such
2080 mechanisms shall be designed to promote utility investment in
2081 nuclear or integrated gasification combined cycle power plants
2082 and allow for the recovery in rates of all prudently incurred
2083 costs, and shall include, but need ~~are~~ not be limited to:

2084 (a) Recovery through the capacity cost recovery clause of
2085 any preconstruction costs.

2086 (b) Recovery through an incremental increase in the
2087 utility's capacity cost recovery clause rates of the carrying
2088 costs on the utility's projected construction cost balance

592-05450B-08

20081544c1

2089 associated with the nuclear or integrated gasification combined
2090 cycle power plant. To encourage investment and provide certainty,
2091 for nuclear or integrated gasification combined cycle power plant
2092 need petitions submitted on or before December 31, 2010,
2093 associated carrying costs shall be equal to the pretax AFUDC in
2094 effect upon this act becoming law. For nuclear or integrated
2095 gasification combined cycle power plants for which need petitions
2096 are submitted after December 31, 2010, the utility's existing
2097 pretax AFUDC rate is presumed to be appropriate unless determined
2098 otherwise by the commission in the determination of need for the
2099 nuclear or integrated gasification combined cycle power plant.

2100 (3) After a petition for determination of need is granted,
2101 a utility may petition the commission for cost recovery as
2102 permitted by this section and commission rules.

2103 (4) When the nuclear or integrated gasification combined
2104 cycle power plant is placed in commercial service, the utility
2105 shall be allowed to increase its base rate charges by the
2106 projected annual revenue requirements of the nuclear or
2107 integrated gasification combined cycle power plant based on the
2108 jurisdictional annual revenue requirements of the plant for the
2109 first 12 months of operation. The rate of return on capital
2110 investments shall be calculated using the utility's rate of
2111 return last approved by the commission prior to the commercial
2112 inservice date of the nuclear or integrated gasification combined
2113 cycle power plant. If any existing generating plant is retired as
2114 a result of operation of the nuclear or integrated gasification
2115 combined cycle power plant, the commission shall allow for the
2116 recovery, through an increase in base rate charges, of the net
2117 book value of the retired plant over a period not to exceed 5

592-05450B-08

20081544c1

2118 | years.

2119 | (5) The utility shall report to the commission annually the
2120 | budgeted and actual costs as compared to the estimated inservice
2121 | cost of the nuclear or integrated gasification combined cycle
2122 | power plant provided by the utility pursuant to s. 403.519(4),
2123 | until the commercial operation of the nuclear or integrated
2124 | gasification combined cycle power plant. The utility shall
2125 | provide such information on an annual basis following the final
2126 | order by the commission approving the determination of need for
2127 | the nuclear or integrated gasification combined cycle power
2128 | plant, with the understanding that some costs may be higher than
2129 | estimated and other costs may be lower.

2130 | (6) ~~If In the event~~ the utility elects not to complete or
2131 | is precluded from completing construction of the nuclear power
2132 | plant, including any new, expanded, or relocated electrical
2133 | transmission lines or facilities or integrated gasification
2134 | combined cycle power plant, the utility shall be allowed to
2135 | recover all prudent preconstruction and construction costs
2136 | incurred following the commission's issuance of a final order
2137 | granting a determination of need for the nuclear power plant and
2138 | electrical transmission lines and facilities or integrated
2139 | gasification combined cycle power plant. The utility shall
2140 | recover such costs through the capacity cost recovery clause over
2141 | a period equal to the period during which the costs were incurred
2142 | or 5 years, whichever is greater. The unrecovered balance during
2143 | the recovery period will accrue interest at the utility's
2144 | weighted average cost of capital as reported in the commission's
2145 | earnings surveillance reporting requirement for the prior year.

2146 | Section 29. Section 377.601, Florida Statutes, is amended

592-05450B-08

20081544c1

2147 | to read:

2148 | 377.601 Legislative intent.--

2149 | (1) The Legislature finds that this state's energy security
2150 | can be increased by lessening dependence on foreign oil, that the
2151 | impacts of global climate change can be reduced through the
2152 | reduction of greenhouse gas emissions, and that the
2153 | implementation of alternative energy technologies can be the
2154 | source of new jobs and employment opportunities for many
2155 | Floridians. The Legislature further finds that this state is
2156 | positioned at the front line against potential impacts of global
2157 | climate change. Human and economic costs of those impacts can be
2158 | averted and, where necessary, adapted to by a concerted effort to
2159 | make this state's communities more resilient and less vulnerable
2160 | to these impacts. In focusing the government's policy and efforts
2161 | to protect this state, its residents, and resources, the
2162 | Legislature believes that a single government entity that has
2163 | energy and climate change as its specific focus is both desirable
2164 | and advantageous. ~~the ability to deal effectively with present~~
2165 | ~~shortages of resources used in the production of energy is~~
2166 | ~~aggravated and intensified because of inadequate or nonexistent~~
2167 | ~~information and that intelligent response to these problems and~~
2168 | ~~to the development of a state energy policy demands accurate and~~
2169 | ~~relevant information concerning energy supply, distribution, and~~
2170 | ~~use. The Legislature finds and declares that a procedure for the~~
2171 | ~~collection and analysis of data on the energy flow in this state~~
2172 | ~~is essential to the development and maintenance of an energy~~
2173 | ~~profile defining the characteristics and magnitudes of present~~
2174 | ~~and future energy demands and availability so that the state may~~
2175 | ~~rationally deal with present energy problems and anticipate~~

592-05450B-08

20081544c1

2176 ~~future energy problems.~~

2177 ~~(2) The Legislature further recognizes that every state~~
2178 ~~official dealing with energy problems should have current and~~
2179 ~~reliable information on the types and quantity of energy~~
2180 ~~resources produced, imported, converted, distributed, exported,~~
2181 ~~stored, held in reserve, or consumed within the state.~~

2182 ~~(3) It is the intent of the Legislature in the passage of~~
2183 ~~this act to provide the necessary mechanisms for the effective~~
2184 ~~development of information necessary to rectify the present lack~~
2185 ~~of information which is seriously handicapping the state's~~
2186 ~~ability to deal effectively with the energy problem. To this end,~~
2187 ~~the provisions of ss. 377.601-377.608 should be given the~~
2188 ~~broadest possible interpretation consistent with the stated~~
2189 ~~legislative desire to procure vital information.~~

2190 ~~(2)(4)~~ It is the policy of the State of Florida to:

2191 (a) Recognize and address the potential impacts of global
2192 climate change wherever possible. ~~Develop and promote the~~
2193 ~~effective use of energy in the state and discourage all forms of~~
2194 ~~energy waste.~~

2195 (b) Play a leading role in developing and instituting
2196 energy management programs aimed at promoting energy
2197 conservation, energy security, and the reduction of greenhouse
2198 gas emissions.

2199 (c) Include energy considerations in all state, regional,
2200 and local planning.

2201 (d) Utilize and manage effectively energy resources used
2202 within state agencies.

2203 (e) Encourage local governments to include energy
2204 considerations in all planning and to support their work in

592-05450B-08

20081544c1

2205 promoting energy management programs.

2206 (f) Include the full participation of citizens in the
2207 development and implementation of energy programs.

2208 (g) Consider in its decisions the energy needs of each
2209 economic sector, including residential, industrial, commercial,
2210 agricultural, and governmental uses, and to reduce those needs
2211 whenever possible.

2212 (h) Promote energy education and the public dissemination
2213 of information on energy and its environmental, economic, and
2214 social impact.

2215 (i) Encourage the research, development, demonstration, and
2216 application of alternative energy resources, particularly
2217 renewable energy resources.

2218 (j) Consider, in its decisionmaking, the social, economic,
2219 security, and environmental impacts of energy-related activities,
2220 including the whole life-cycle impacts of any potential energy
2221 use choices, so that detrimental effects of these activities are
2222 understood and minimized.

2223 (k) Develop and maintain energy emergency preparedness
2224 plans to minimize the effects of an energy shortage within
2225 Florida.

2226 Section 30. Subsection (1) and paragraph (f) of subsection
2227 (3) of section 377.703, Florida Statutes, are amended to read:

2228 377.703 Additional functions of the Department of
2229 Environmental Protection; energy emergency contingency plan;
2230 federal and state conservation programs.--

2231 (1) LEGISLATIVE INTENT.--Recognizing that energy supply and
2232 demand questions have become a major area of concern to the state
2233 which must be dealt with by effective and well-coordinated state

592-05450B-08

20081544c1

2234 | action, it is the intent of the Legislature to promote the
2235 | efficient, effective, and economical management of energy
2236 | problems, centralize energy coordination responsibilities,
2237 | pinpoint responsibility for conducting energy programs, and
2238 | ensure the accountability of state agencies for the
2239 | implementation of s. 377.601 ~~s. 377.601(4)~~, the state energy
2240 | policy. It is the specific intent of the Legislature that nothing
2241 | in this act shall in any way change the powers, duties, and
2242 | responsibilities assigned by the Florida Electrical Power Plant
2243 | Siting Act, part II of chapter 403, or the powers, duties, and
2244 | responsibilities of the Florida Public Service Commission.

2245 | (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The
2246 | Department of Environmental Protection shall, in addition to
2247 | assuming the duties and responsibilities provided by ss. 20.255
2248 | and 377.701, perform the following functions consistent with the
2249 | development of a state energy policy:

2250 | (f) The department shall make a report, as requested by the
2251 | Governor or the Legislature, reflecting its activities and making
2252 | recommendations of policies for improvement of the state's
2253 | response to energy supply and demand and its effect on the
2254 | health, safety, and welfare of the people of Florida. The report
2255 | shall include a report from the Florida Public Service Commission
2256 | on electricity and natural gas and information on energy
2257 | conservation programs conducted and under way in the past year
2258 | and shall include recommendations for energy conservation
2259 | programs for the state, including, but not limited to, the
2260 | following factors:

2261 | 1. Formulation of specific recommendations for improvement
2262 | in the efficiency of energy utilization in governmental,

592-05450B-08

20081544c1

2263 residential, commercial, industrial, and transportation sectors.

2264 2. Collection and dissemination of information relating to
2265 energy conservation.

2266 3. Development and conduct of educational and training
2267 programs relating to energy conservation.

2268 4. An analysis of the ways in which state agencies are
2269 seeking to implement s. 377.601 ~~s. 377.601(4)~~, the state energy
2270 policy, and recommendations for better fulfilling this policy.

2271 Section 31. Section 377.804, Florida Statutes, is amended
2272 to read:

2273 377.804 Renewable Energy and Energy-Efficient Technologies
2274 Grants Program.--

2275 (1) The Renewable Energy and Energy-Efficient Technologies
2276 Grants Program is established within the department to provide
2277 renewable energy matching grants for demonstration,
2278 commercialization, research, and development projects relating to
2279 renewable energy technologies and innovative technologies that
2280 significantly increase energy efficiency for vehicles and
2281 commercial buildings.

2282 (2) Matching grants for renewable energy technology
2283 demonstration, commercialization, research, and development
2284 projects may be made to any of the following:

2285 (a) Municipalities and county governments.

2286 (b) Established for-profit companies licensed to do
2287 business in the state.

2288 (c) Universities and colleges in the state.

2289 (d) Utilities located and operating within the state.

2290 (e) Not-for-profit organizations.

2291 (f) Other qualified persons, as determined by the

592-05450B-08

20081544c1

2292 | department.

2293 | (3) The department may adopt rules pursuant to ss.
2294 | 120.536(1) and 120.54 to provide for application requirements,
2295 | provide for ranking of applications, ~~and~~ administer the awarding
2296 | of grants under this program, and develop policy requiring
2297 | grantees to provide royalty-sharing or licensing agreements with
2298 | the state for commercialized products developed under a state
2299 | grant.

2300 | (4) Factors the department shall consider in awarding
2301 | grants include, but are not limited to:

2302 | (a) The availability of matching funds or other in-kind
2303 | contributions applied to the total project from an applicant. The
2304 | department shall give greater preference to projects that provide
2305 | such matching funds or other in-kind contributions.

2306 | (b) The degree to which the project stimulates in-state
2307 | capital investment and economic development in metropolitan and
2308 | rural areas, including the creation of jobs and the future
2309 | development of a commercial market for renewable energy
2310 | technologies.

2311 | (c) The extent to which the proposed project has been
2312 | demonstrated to be technically feasible based on pilot project
2313 | demonstrations, laboratory testing, scientific modeling, or
2314 | engineering or chemical theory that supports the proposal.

2315 | (d) The degree to which the project incorporates an
2316 | innovative new technology or an innovative application of an
2317 | existing technology.

2318 | (e) The degree to which a project generates thermal,
2319 | mechanical, or electrical energy by means of a renewable energy
2320 | resource that has substantial long-term production potential.

592-05450B-08

20081544c1

2321 (f) The degree to which a project demonstrates efficient
2322 use of energy and material resources.

2323 (g) The degree to which the project fosters overall
2324 understanding and appreciation of renewable energy technologies.

2325 (h) The ability to administer a complete project.

2326 (i) Project duration and timeline for expenditures.

2327 (j) The geographic area in which the project is to be
2328 conducted in relation to other projects.

2329 (k) The degree of public visibility and interaction.

2330 (5) The department shall solicit the expertise of other
2331 state agencies in evaluating project proposals. State agencies
2332 shall cooperate with the Department of Environmental Protection
2333 and provide such assistance as requested.

2334 (6) Each application must be accompanied by an affidavit
2335 from the applicant attesting to the veracity of the statements
2336 contained in the application.

2337 Section 32. Section 377.806, Florida Statutes, is amended
2338 to read:

2339 377.806 Solar Energy System Incentives Program.--

2340 (1) PURPOSE.--The Solar Energy System Incentives Program is
2341 established within the department to provide financial incentives
2342 for the purchase and installation of solar energy systems. Any
2343 resident of the state who purchases and installs a new solar
2344 energy system of 2 kilowatts or larger for a solar photovoltaic
2345 system, a solar energy system that provides at least 50 percent
2346 of a building's hot water consumption for a solar thermal system,
2347 or a solar thermal pool heater, from July 1, 2006, through June
2348 30, 2010, is eligible for a rebate on a portion of the purchase
2349 price of that solar energy system.

592-05450B-08

20081544c1

2350 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

2351 (a) Eligibility requirements.--A solar photovoltaic system
2352 qualifies for a rebate if:

2353 1. The system is installed by a state-licensed master
2354 electrician, electrical contractor, or solar contractor.

2355 2. The system complies with state interconnection standards
2356 as provided by the commission.

2357 3. The system complies with all applicable building codes
2358 as defined by the Florida Building Code ~~local jurisdictional~~
2359 ~~authority~~.

2360 (b) Rebate amounts.--The rebate amount shall be set at \$4
2361 per watt based on the total wattage rating of the system. The
2362 maximum allowable rebate per solar photovoltaic system
2363 installation shall be as follows:

2364 1. Twenty thousand dollars for a residence.

2365 2. One hundred thousand dollars for a place of business, a
2366 publicly owned or operated facility, or a facility owned or
2367 operated by a private, not-for-profit organization, including
2368 condominiums or apartment buildings.

2369 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

2370 (a) Eligibility requirements.--A solar thermal system
2371 qualifies for a rebate if:

2372 1. The system is installed by a state-licensed solar or
2373 plumbing contractor.

2374 2. The system complies with all applicable building codes
2375 as defined by the Florida Building Code ~~local jurisdictional~~
2376 ~~authority~~.

2377 (b) Rebate amounts.--Authorized rebates for installation of
2378 solar thermal systems shall be as follows:

592-05450B-08

20081544c1

- 2379 1. Five hundred dollars for a residence.
- 2380 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
- 2381 for a place of business, a publicly owned or operated facility,
- 2382 or a facility owned or operated by a private, not-for-profit
- 2383 organization, including condominiums or apartment buildings. ~~Btu~~
- 2384 ~~must be verified by approved metering equipment.~~
- 2385 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--
- 2386 (a) Eligibility requirements.--A solar thermal pool heater
- 2387 qualifies for a rebate if the system is installed by a state-
- 2388 licensed solar or plumbing contractor and the system complies
- 2389 with all applicable building codes as defined by the Florida
- 2390 Building Code ~~local jurisdictional authority.~~
- 2391 (b) Rebate amount.--Authorized rebates for installation of
- 2392 solar thermal pool heaters shall be \$100 per installation.
- 2393 (5) APPLICATION.--Application for a rebate must be made
- 2394 within 90 days after the purchase of the solar energy equipment.
- 2395 (6) REBATE AVAILABILITY.--The department shall determine
- 2396 and publish on a regular basis the amount of rebate funds
- 2397 remaining in each fiscal year. The total dollar amount of all
- 2398 rebates issued by the department is subject to the total amount
- 2399 of appropriations in any fiscal year for this program. If funds
- 2400 are insufficient during the current fiscal year, any requests for
- 2401 rebates received during that fiscal year may be processed during
- 2402 the following fiscal year. Requests for rebates received in a
- 2403 fiscal year that are processed during the following fiscal year
- 2404 shall be given priority over requests for rebates received during
- 2405 the following fiscal year.
- 2406 (7) RULES.--The department shall adopt rules pursuant to
- 2407 ss. 120.536(1) and 120.54 to develop rebate applications and

592-05450B-08

20081544c1

2408 administer the issuance of rebates.

2409 Section 33. Section 377.901, Florida Statutes, is amended
2410 to read:

2411 377.901 Florida Energy Commission.--

2412 (1) The Florida Energy Commission is created and shall be
2413 located within the Executive Office of the Governor ~~Office of~~
2414 ~~Legislative Services~~ for administrative purposes. The commission
2415 shall be comprised of a total of nine members.

2416 (a) The members shall be appointed as follows: seven
2417 members shall be appointed by the Governor, and the Commissioner
2418 of Agriculture and the Chief Financial Officer shall each appoint
2419 one member. The Governor shall select the chair of the commission
2420 from his or her appointments ~~the President of the Senate and the~~
2421 ~~Speaker of the House of Representatives shall appoint four~~
2422 ~~members each and shall jointly appoint the ninth member, who~~
2423 ~~shall serve as chair.~~ Members shall be appointed to 3-year ~~2-year~~
2424 terms; however, in order to establish staggered terms, for the
2425 initial appointments, three of the members appointed by the
2426 Governor and each of those appointed by the Commissioner of
2427 Agriculture and the Chief Financial Officer shall be appointed to
2428 a 2-year term each appointing official shall appoint two members
2429 ~~to a 1-year term and two members to a 2-year term.~~

2430 (b) The appointees to the commission shall be selected from
2431 a list of persons nominated by the Florida Public Service
2432 Commission Nominating Council created in s. 350.031. The council
2433 shall, at a minimum, submit three names for every vacancy. The
2434 council shall not link names to any specific vacancy on the
2435 commission.

2436 1. The Governor, the Commissioner of Agriculture, and the

592-05450B-08

20081544c1

2437 Chief Financial Officer may submit prospective names to the
2438 council for its consideration.

2439 2. The council shall submit the list of nominees to the
2440 Governor by September 1 of those years in which the terms are to
2441 begin the following October, or within 60 days after a vacancy
2442 occurs for any reason other than the expiration of the term.

2443 3. Upon receipt of the nominees the Governor shall make his
2444 or her selections. After the Governor has selected his or her
2445 nominees, the list shall be given to the Commissioner of
2446 Agriculture and the Chief Financial Officer who shall make their
2447 selections.

2448 4. The appointing officers shall fill a vacancy occurring
2449 on the commission by appointment of one of the applicants
2450 nominated by the council only after a background investigation of
2451 such applicant has been conducted by the Department of Law
2452 Enforcement.

2453 5. Each vacancy on the commission shall be filled for the
2454 unexpired portion of the term in the same manner as the original
2455 appointment to the commission.

2456 6. If the appointing officers have not made an appointment
2457 within 30 consecutive calendar days after the receipt of the
2458 recommendations, the council shall initiate, in accordance with
2459 this section, the nominating process within 30 days.

2460 7. Each appointment to the commission shall be subject to
2461 confirmation by the Senate during the next regular session after
2462 the vacancy occurs. If the Senate refuses to confirm or fails to
2463 consider the appointment, the council shall initiate, in
2464 accordance with this section, the nominating process within 30
2465 days.

592-05450B-08

20081544c1

2466 8. The Governor, the Commissioner of Agriculture, or the
2467 Chief Financial Officer or their successors may recall an
2468 appointee.

2469 (c) Members must meet the following qualifications and
2470 restrictions:

2471 1. A member must be an expert in one or more of the
2472 following fields: energy, natural resource conservation,
2473 economics, engineering, finance, law, consumer protection, state
2474 energy policy, transportation and land use, or another field
2475 substantially related to the duties and functions of the
2476 commission. The commission shall fairly represent the fields
2477 specified in this subparagraph.

2478 2. Each member shall, at the time of appointment and at
2479 each commission meeting during his or her term of office,
2480 disclose:

2481 a. Whether he or she has any financial interest, other than
2482 ownership of shares in a mutual fund, in any business entity
2483 that, directly or indirectly, owns or controls, or is an
2484 affiliate or subsidiary of, any business entity that may profit
2485 by the policy recommendations developed by the commission.

2486 b. Whether he or she is employed by or is engaged in any
2487 business activity with any business entity that, directly or
2488 indirectly, owns or controls, or is an affiliate or subsidiary
2489 of, any business entity that may profit by the policy
2490 recommendations developed by the commission.

2491 (d) ~~(b)~~ The following may also attend meetings and provide
2492 information and advise at the request of the chair:

2493 1. The chair of the Florida Public Service Commission, or
2494 his or her designee.

592-05450B-08

20081544c1

2495 2. The Public Counsel, or his or her designee.
2496 ~~3. The Commissioner of Agriculture, or his or her designee.~~
2497 3.4. The Director of the Office of Insurance Regulation, or
2498 his or her designee.
2499 4.5. The State Surgeon General, or his or her designee.
2500 5.6. The chair of the State Board of Education, or his or
2501 her designee.
2502 6.7. The Secretary of Community Affairs, or his or her
2503 designee.
2504 7.8. The Secretary of Transportation, or his or her
2505 designee.
2506 8.9. The Secretary of Environmental Protection, or his or
2507 her designee.

2508 (2) Members shall serve without compensation but are
2509 entitled to reimbursement for per diem and travel expenses as
2510 provided in s. 112.061.

2511 (3) Meetings of the commission shall be held in various
2512 locations around the state and at the call of the chair; however,
2513 the commission must meet at least four times ~~twice~~ each year.

2514 (4) (a) The commission may employ staff to assist in the
2515 performance of its duties, including an executive director, an
2516 attorney, a communications staff member, and an executive
2517 assistant.

2518 (b) The commission may form advisory groups consisting of
2519 members of the public to provide information on specific issues.

2520 (5) The commission shall develop recommendations for
2521 legislation to establish a state energy policy. The
2522 recommendations of the commission shall be based on the guiding
2523 principles of reliability, efficiency, affordability, and

592-05450B-08

20081544c1

2524 diversity as provided in subsection (7). The commission shall
2525 continually review the state energy policy and shall recommend to
2526 the Legislature any additional necessary changes or improvements.

2527 (6) ~~(a)~~ The commission shall report by December 31 of each
2528 year to the President of the Senate and the Speaker of the House
2529 of Representatives on its progress and recommendations, including
2530 draft legislation.

2531 ~~(b) The commission's initial report must be filed by~~
2532 ~~December 31, 2007, and must identify incentives for research,~~
2533 ~~development, or deployment projects involving the goals and~~
2534 ~~issues set forth in this section; set forth policy~~
2535 ~~recommendations for conservation of all forms of energy; and set~~
2536 ~~forth a plan of action, together with a timetable, for addressing~~
2537 ~~additional issues.~~

2538 ~~(c) The commission's initial report shall also recommend~~
2539 ~~consensus-based public-involvement processes that evaluate~~
2540 ~~greenhouse gas emissions in this state and make recommendations~~
2541 ~~regarding related economic, energy, and environmental benefits.~~

2542 ~~(d) The report must include recommended steps and a~~
2543 ~~schedule for the development of a comprehensive state climate~~
2544 ~~action plan with greenhouse gas reduction through a public-~~
2545 ~~involvement process, including transportation and land use; power~~
2546 ~~generation; residential, commercial, and industrial activities;~~
2547 ~~waste management; agriculture and forestry; emissions-reporting~~
2548 ~~systems; and public education.~~

2549 (7) In developing its recommendations, the commission shall
2550 be guided by the principles of reliability, efficiency,
2551 affordability, and diversity, and more specifically as follows:

2552 (a) The state should have a reliable electric supply with

592-05450B-08

20081544c1

2553 adequate reserves.

2554 (b) The transmission and delivery of electricity should be
2555 reliable.

2556 (c) The generation, transmission, and delivery of
2557 electricity should be accomplished with the least detriment to
2558 the environment and public health.

2559 (d) The generation, transmission, and delivery of
2560 electricity should be accomplished compatibly with the goals for
2561 growth management.

2562 (e) Electricity generation, transmission, and delivery
2563 facilities should be reasonably secure from damage, taking all
2564 factors into consideration, and recovery from damage should be
2565 prompt.

2566 (f) Electric rates should be affordable, as to base rates
2567 and all recovery-clause additions, with sufficient incentives for
2568 utilities to achieve this goal.

2569 (g) The state should have a reliable supply of motor
2570 vehicle fuels, both under normal circumstances and during
2571 hurricanes and other emergency situations.

2572 (h) In-state research, development, and deployment of
2573 alternative energy technologies and alternative motor vehicle
2574 fuels should be encouraged.

2575 (i) When possible, the resources of the state should be
2576 used in achieving the goals enumerated in this subsection.

2577 (j) Consumers of energy should be encouraged and given
2578 incentives to be more efficient in their use of energy.

2579 (8) The commission shall also:

2580 (a) Complete the annual assessment of the efficacy of
2581 Florida's Energy and Climate Change Action Plan, upon completion

592-05450B-08

20081544c1

2582 by the Governor's Action Team on Energy and Climate Change,
2583 pursuant to the Governor's Executive Order 2007-128, and provide
2584 specific recommendations to the Governor and the Legislature each
2585 year, as part of its annual reporting requirements, to improve
2586 results.

2587 (b) Advocate for energy and climate change issues and
2588 provide educational outreach and technical assistance in
2589 cooperation with Florida's academic institutions and the Florida
2590 Energy Systems Consortium.

2591
2592 It is the specific intent of the Legislature that nothing in this
2593 section shall in any way change the powers, duties, and
2594 responsibilities of the Public Service Commission or the powers,
2595 duties, and responsibilities assigned by the Florida Electrical
2596 Power Plant Siting Act, ss. 403.501-403.518.

2597 Section 34. Section 377.921, Florida Statutes, is created
2598 to read:

2599 377.921 Qualified solar energy system program.--The
2600 Legislature finds that qualified solar energy systems provide
2601 fuel savings and can help protect against future electricity and
2602 natural gas shortages, reduce the state's dependence on foreign
2603 sources of energy, and improve environmental conditions. The
2604 Legislature further finds that the deployment of qualified solar
2605 energy systems advances Florida's goals of promoting energy
2606 efficiency and the development of renewable energy resources.
2607 Therefore, the Legislature finds that it is in the public
2608 interest to encourage public utilities to develop and implement
2609 programs that promote the deployment and use of qualified solar
2610 energy systems.

592-05450B-08

20081544c1

- 2611 (2) As used in this section:
- 2612 (a) "Qualified solar energy system" means a solar thermal
- 2613 water heating system installed at a customer's premises.
- 2614 (b) "Public utility" or "utility" means a utility as defined
- 2615 in s. 366.02(1).
- 2616 (c) "Eligible program" means a program developed by a public
- 2617 utility and approved by the commission pursuant to subsection (5)
- 2618 under which the utility facilitates the installation of solar
- 2619 thermal water heating systems at a utility customer's premises.
- 2620 (d) "Program fuel cost savings" means the total fuel cost
- 2621 savings that a utility is projected to achieve from all solar
- 2622 thermal water heating systems installed at a customer's premises
- 2623 over the life of the qualified solar energy system.
- 2624 (e) "Program costs" means all costs incurred in implementing
- 2625 an eligible program, including, but not limited to:
- 2626 1. In service capital investments, including the utility's
- 2627 last authorized rate of return thereon; and
- 2628 2. Operating and maintenance expense, including, but not
- 2629 limited, to labor, overhead, materials, advertising, marketing,
- 2630 customer incentives, or rebates.
- 2631 (3) Notwithstanding any provision in chapter 366 or rule to
- 2632 the contrary, a public utility shall be allowed to recover
- 2633 through the energy conservation cost-recovery clause, either as
- 2634 period expenses or by capitalizing and amortizing, all prudent
- 2635 and reasonable program costs incurred in implementing an eligible
- 2636 program. With respect to any solar hot water heating system, the
- 2637 amortization period shall be 5 years.
- 2638 (4) Notwithstanding any provision in chapter 366 or rule to
- 2639 the contrary, and in addition to recovery under subsection (3), a

592-05450B-08

20081544c1

2640 utility shall be allowed to recover through the fuel cost-
2641 recovery clause beginning in the year each solar thermal water
2642 heating system begins operation 10 percent of any such program
2643 fuel cost savings until the utility undergoes its next rate
2644 proceeding before the commission. The remaining 90 percent of
2645 fuel saving shall be returned to the utility's customers through
2646 the fuel cost-recovery clause.

2647 (5) Notwithstanding any provision in chapter 366 or rule to
2648 the contrary, the commission shall enter an order approving a
2649 public utility's qualified solar energy system program if the
2650 utility demonstrates in a petition that:

2651 (a) The qualified solar energy systems to be installed as
2652 part of the program at minimum meet applicable Solar Rating and
2653 Certification Corporation OG-30 certification requirements.

2654 (b) The qualified solar energy systems are constructed and
2655 installed in conformity with the manufacturer's specifications
2656 and all applicable codes and standards.

2657 (6) Within 60 days after receiving a petition to approve a
2658 qualified solar energy system program, the commission shall
2659 approve the petition or inform the utility of any deficiencies
2660 therein. If the commission informs the utility of deficiencies,
2661 the utility may correct those deficiencies and refile its
2662 petition to approve the qualified solar energy system program.

2663 (7) In order to encourage public utilities to promote the
2664 deployment and use of qualified solar energy systems, the public
2665 utility shall own the renewable attributes or benefits associated
2666 with the energy output of a qualified solar energy system
2667 installed pursuant to an eligible program, including any
2668 renewable energy credit or other instrument issued as a result of

592-05450B-08

20081544c1

2669 | the utility's eligible program.

2670 | Section 35. Paragraph (c) of subsection (3) of section
2671 | 380.23, Florida Statutes, is amended to read:

2672 | 380.23 Federal consistency.--

2673 | (3) Consistency review shall be limited to review of the
2674 | following activities, uses, and projects to ensure that such
2675 | activities, uses, and projects are conducted in accordance with
2676 | the state's coastal management program:

2677 | (c) Federally licensed or permitted activities affecting
2678 | land or water uses when such activities are in or seaward of the
2679 | jurisdiction of local governments required to develop a coastal
2680 | zone protection element as provided in s. 380.24 and when such
2681 | activities involve:

2682 | 1. Permits and licenses required under the Rivers and
2683 | Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2684 | 2. Permits and licenses required under the Marine
2685 | Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
2686 | 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

2687 | 3. Permits and licenses required under the Federal Water
2688 | Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
2689 | amended, unless such permitting activities have been delegated to
2690 | the state pursuant to said act.

2691 | 4. Permits and licenses relating to the transportation of
2692 | hazardous substance materials or transportation and dumping which
2693 | are issued pursuant to the Hazardous Materials Transportation
2694 | Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s.
2695 | 1321, as amended.

2696 | 5. Permits and licenses required under 15 U.S.C. ss. 717-
2697 | 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-

592-05450B-08

20081544c1

2698 1356 for construction and operation of interstate gas pipelines
2699 and storage facilities.

2700 6. Permits and licenses required for the siting and
2701 construction of any new electrical power plants as defined in s.
2702 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
2703 relicensing of hydroelectric power plants under the Federal Power
2704 Act, 16 U.S.C. ss. 791a et seq., as amended.

2705 7. Permits and licenses required under the Mining Law of
2706 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
2707 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
2708 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
2709 amended; the Federal Land Policy and Management Act, 43 U.S.C.
2710 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
2711 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
2712 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
2713 pipelines, geological and geophysical activities, or rights-of-
2714 way on public lands and permits and licenses required under the
2715 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
2716 amended.

2717 8. Permits and licenses for areas leased under the OCS
2718 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
2719 leases and approvals of exploration, development, and production
2720 plans.

2721 9. Permits and licenses required under the Deepwater Port
2722 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

2723 10. Permits required for the taking of marine mammals under
2724 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
2725 s. 1374.

2726 Section 36. Subsection (20) of section 403.031, Florida

592-05450B-08

20081544c1

2727 Statutes, is amended to read:

2728 403.031 Definitions.--In construing this chapter, or rules
2729 and regulations adopted pursuant hereto, the following words,
2730 phrases, or terms, unless the context otherwise indicates, have
2731 the following meanings:

2732 (20) "Electrical power plant" means, for purposes of this
2733 part of this chapter, any electrical generating facility that
2734 uses any process or fuel and that is owned or operated by an
2735 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
2736 and includes any associated facility that directly supports the
2737 operation of the electrical power plant.

2738 Section 37. Section 403.44, Florida Statutes, is created to
2739 read:

2740 403.44 Florida Climate Protection Act.--

2741 (1) The Legislature finds it is in the best interest of
2742 this state to document, to the greatest extent practicable,
2743 greenhouse gas (GHG) emissions and to pursue a market-based
2744 emissions-abatement program, such as cap-and-trade, to address
2745 GHG emissions reductions.

2746 (2) As used in this section, the term:

2747 (a) "Allowance" means a credit issued by the department
2748 through allotments or auction which represents an authorization
2749 to emit specific amounts of greenhouse gases, as further defined
2750 in department rule.

2751 (b) "Cap-and-trade" or "emissions trading" means an
2752 administrative approach used to control pollution by providing a
2753 limit on total allowable emissions, providing for allowances to
2754 emit pollutants, and providing for the transfer of the allowances
2755 among pollutant sources as a means of compliance with emission

592-05450B-08

20081544c1

2756 limits.

2757 (c) "Greenhouse gas" means carbon dioxide, methane,
2758 nitrogen oxide, and fluorinated gases such as hydrofluorocarbons,
2759 perfluorocarbons, and sulfur hexafluoride.

2760 (d) "Leakage" means the offset of emission abatement that
2761 is achieved in one location subject to emission control
2762 regulation by increased emissions in unregulated locations.

2763 (e) "Major emitter" means an electric utility regulated
2764 under this chapter.

2765 (3) A major emitter must use The Climate Registry for
2766 purposes of emission registration and reporting.

2767 (4) The Department of Environmental Protection shall
2768 establish the methodologies, reporting periods, and reporting
2769 systems that must be used when major emitters report to The
2770 Climate Registry. The department may require the use of quality-
2771 assured data from continuous emissions-monitoring systems.

2772 (5) The department may adopt rules for a cap-and-trade
2773 regulatory program to reduce greenhouse gas emissions from major
2774 emitters. When developing the rules, the department shall consult
2775 with the Governor's Action Team on Energy and Climate Change, the
2776 Public Service Commission, and the Florida Energy Commission. The
2777 rules shall not become effective until ratified by the
2778 Legislature.

2779 (6) The rules of the cap-and-trade regulatory program shall
2780 include, but are not limited to:

2781 (a) A statewide limit or cap on the amount of GHG emissions
2782 emitted by major emitters.

2783 (b) Methods, requirements, and conditions for allocating
2784 the cap among major emitters.

592-05450B-08

20081544c1

2785 (c) Methods, requirements, and conditions for emissions
2786 allowances and the process for issuing emissions allowances.

2787 (d) The relationship between allowances and the specific
2788 amounts of greenhouse gases they represent.

2789 (e) A process for the trade of allowances between major
2790 emitters, including a registry, tracking, or accounting system
2791 for such trades.

2792 (f) Cost-containment mechanisms in order to reduce price
2793 and cost risks associated with the electric generation market in
2794 this state.

2795 (g) A process to allow the department to exercise its
2796 authority to discourage leakage of GHG emissions to neighboring
2797 states attributable to the implementation of this program.

2798 (h) Provisions for a trial period on the trading of
2799 allowances before full implementation of a trading system.

2800 (i) Other requirements necessary or desirable to implement
2801 this section.

2802 Section 38. Present subsections (3) through (30) of section
2803 403.503, Florida Statutes, are redesignated as subsections (4)
2804 through (31), respectively, a new subsection (3) is added to that
2805 section, and present subsection (10) of that section is amended,
2806 to read:

2807 403.503 Definitions relating to Florida Electrical Power
2808 Plant Siting Act.--As used in this act:

2809 (3) "Alternate corridor" means an area that is proposed by
2810 the applicant or a third party within which all or part of an
2811 associated electrical transmission line right-of-way is to be
2812 located and that is different from the preferred transmission
2813 line corridor proposed by the applicant. The width of the

592-05450B-08

20081544c1

2814 alternate corridor proposed for certification for an associated
2815 electrical transmission line may be the width of the proposed
2816 right-of-way or a wider boundary not to exceed a width of 1 mile.
2817 The area within the alternate corridor may be further restricted
2818 as a condition of certification. The alternate corridor may
2819 include alternate electrical substation sites if the applicant
2820 has proposed an electrical substation as part of the portion of
2821 the proposed electrical transmission line.

2822 (11)-(10) "Corridor" means the proposed area within which an
2823 associated linear facility right-of-way is to be located. The
2824 width of the corridor proposed for certification as an associated
2825 facility, at the option of the applicant, may be the width of the
2826 right-of-way or a wider boundary, not to exceed a width of 1
2827 mile. The area within the corridor in which a right-of-way may be
2828 located may be further restricted by a condition of
2829 certification. After all property interests required for the
2830 right-of-way have been acquired by the licensee, the boundaries
2831 of the area certified shall narrow to only that land within the
2832 boundaries of the right-of-way. The corridors proposed for
2833 certification shall be those addressed in the application, in
2834 amendments to the application filed under s. 403.5064, and in
2835 notices of acceptance of proposed alternate corridors filed by an
2836 applicant and the department pursuant to s. 403.5271, as
2837 incorporated by reference in s. 403.5064(1)(b), for which the
2838 required information for the preparation of agency supplemental
2839 reports was filed.

2840 Section 39. Present subsections (9) through (12) of section
2841 403.504, Florida Statutes, are redesignated as subsections (10)
2842 through (13), respectively, and a new subsection (9) is added to

592-05450B-08

20081544c1

2843 that section, to read:

2844 403.504 Department of Environmental Protection; powers and
2845 duties enumerated.--The department shall have the following
2846 powers and duties in relation to this act:

2847 (9) To determine whether an alternate corridor proposed for
2848 consideration under s. 403.5064(4) is acceptable.

2849 Section 40. Subsection (1) of section 403.506, Florida
2850 Statutes, is amended, and subsection (3) is added to that
2851 section, to read:

2852 403.506 Applicability, thresholds, and certification.--

2853 (1) The provisions of this act shall apply to any
2854 electrical power plant as defined herein, except that the
2855 provisions of this act shall not apply to any electrical power
2856 plant ~~or steam generating plant~~ of less than 75 megawatts in
2857 gross capacity including its associated facilities ~~or to any~~
2858 ~~substation to be constructed as part of an associated~~
2859 ~~transmission line~~ unless the applicant has elected to apply for
2860 certification of such electrical power plant ~~or substation~~ under
2861 this act. The provisions of this act shall not apply to ~~any unit~~
2862 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
2863 aggregate, of an existing exothermic reaction cogeneration
2864 electrical generating facility ~~unit~~ that was exempt from this act
2865 when it was originally built; however, this exemption shall not
2866 apply if the unit uses oil or natural gas for purposes other than
2867 unit startup. No construction of any new electrical power plant
2868 or expansion in steam generating capacity as measured by an
2869 increase in the maximum electrical generator rating of any
2870 existing electrical power plant may be undertaken after October
2871 1, 1973, without first obtaining certification in the manner as

592-05450B-08

20081544c1

2872 herein provided, except that this act shall not apply to any such
2873 electrical power plant which is presently operating or under
2874 construction or which has, upon the effective date of chapter 73-
2875 33, Laws of Florida, applied for a permit or certification under
2876 requirements in force prior to the effective date of such act.

2877 (3) An electric utility may obtain separate licenses,
2878 permits, and approvals for the construction of facilities
2879 necessary to construct an electrical power plant without first
2880 obtaining certification under this act if the utility intends to
2881 locate, license, and construct a proposed or expanded electrical
2882 power plant that uses nuclear materials as fuel. Such facilities
2883 may include, but are not limited to, access and onsite roads,
2884 rail lines, electrical transmission facilities to support
2885 construction, and facilities necessary for waterborne delivery of
2886 construction materials and project components. This exemption
2887 applies to such facilities regardless of whether the facilities
2888 are used for operation of the power plant. The applicant shall
2889 file with the department a statement that declares that the
2890 construction of such facilities is necessary for the timely
2891 construction of the proposed electrical power plant and
2892 identifies those facilities that the applicant intends to seek
2893 licenses for and construct prior to or separate from
2894 certification of the project. The facilities may be located
2895 within or off of the site for the proposed electrical power
2896 plant. The filing of an application under this act does not
2897 affect other applications for separate licenses which are pending
2898 at the time of filing the application. Furthermore, the filing of
2899 an application does not prevent an electric utility from seeking
2900 separate licenses for facilities that are necessary to construct

592-05450B-08

20081544c1

2901 the electrical power plant. Licenses, permits, or approvals
2902 issued by any state, regional, or local agency for such
2903 facilities shall be incorporated by the department into a final
2904 certification upon completion of construction. Any facilities
2905 necessary for construction of the electrical power plant shall
2906 become part of the certified electrical power plant upon
2907 completion of the electrical power plant's construction. The
2908 exemption in this subsection does not require or authorize agency
2909 rulemaking, and any action taken under this subsection is not
2910 subject to chapter 120. This subsection shall be given
2911 retroactive effect and applies to applications filed after May 1,
2912 2008.

2913 Section 41. Subsections (1) and (4) of section 403.5064,
2914 Florida Statutes, are amended to read:

2915 403.5064 Application; schedules.--

2916 (1) The formal date of filing of a certification
2917 application and commencement of the certification review process
2918 shall be when the applicant submits:

2919 (a) Copies of the certification application in a quantity
2920 and format as prescribed by rule to the department and other
2921 agencies identified in s. 403.507(2) (a).

2922 (b) A statement affirming that the applicant is opting to
2923 allow consideration of alternate corridors for an associated
2924 transmission line corridor. If alternate corridors are allowed,
2925 at the applicant's option, the portion of the application
2926 addressing associated transmission line corridors shall be
2927 processed pursuant to the schedule set forth in ss. 403.521-
2928 403.526 and 403.5271, including the opportunity for the filing
2929 and review of alternate corridors, if a party proposes alternate

592-05450B-08

20081544c1

2930 transmission line corridor routes for consideration no later than
2931 115 days before the certification hearing that is scheduled for
2932 the power plant, including any associated transmission line
2933 corridors, in accordance with s. 403.508(2).

2934 (c) ~~(b)~~ The application fee specified under s. 403.518 to
2935 the department.

2936 (4) Within 7 days after the filing of an application, the
2937 department shall prepare a proposed schedule of dates for
2938 determination of completeness, submission of statements of
2939 issues, submittal of final reports, and other significant dates
2940 to be followed during the certification process, including dates
2941 for filing notices of appearance to be a party pursuant to s.
2942 403.508(3). If the application includes one or more associated
2943 transmission line corridors, at the request of the applicant
2944 filed concurrently with the application, the department shall use
2945 the application processing schedule set forth in ss. 403.521-
2946 403.526 and 403.5271 for the associated transmission line
2947 corridors, including the opportunity for the filing and review of
2948 alternate corridors, if a party proposes alternate transmission
2949 line corridor routes for consideration no later than 115 days
2950 before the scheduled certification hearing. Notwithstanding an
2951 applicant's option for the transmission line corridor portion of
2952 its application to be processed under the proposed schedule, only
2953 one certification hearing shall be held for the entire power
2954 plant in accordance with s. 403.508(2). The proposed ~~This~~
2955 schedule shall be timely provided by the department to the
2956 applicant, the administrative law judge, all agencies identified
2957 pursuant to subsection (2), and all parties. Within 7 days after
2958 the filing of the proposed schedule, the administrative law judge

592-05450B-08

20081544c1

2959 shall issue an order establishing a schedule for the matters
2960 addressed in the department's proposed schedule and other
2961 appropriate matters, if any.

2962 Section 42. Subsections (1) and (3) of section 403.50665,
2963 Florida Statutes, are amended, and subsection (7) is added to
2964 that section, to read:

2965 403.50665 Land use consistency.--

2966 (1) The applicant shall include in the application a
2967 statement on the consistency of the site, or any directly
2968 associated facilities that constitute a "development," as defined
2969 by s. 380.04, with existing land use plans and zoning ordinances
2970 that were in effect on the date the application was filed and a
2971 full description of such consistency.

2972 (3) If the local government issues a determination that the
2973 proposed electrical power plant and any directly associated
2974 facility is not consistent or in compliance with local land use
2975 plans and zoning ordinances, the applicant may apply to the local
2976 government for the necessary local approval to address the
2977 inconsistencies in the local government's determination. If the
2978 applicant makes such an application to the local government, the
2979 time schedules under this act shall be tolled until the local
2980 government issues its revised determination on land use and
2981 zoning or the applicant otherwise withdraws its application to
2982 the local government. If the applicant applies to the local
2983 government for necessary local land use or zoning approval, the
2984 local government shall issue a revised determination within 30
2985 days following the conclusion of that local proceeding, and the
2986 time schedules and notice requirements under this act shall apply
2987 to such revised determination.

592-05450B-08

20081544c1

2988 (7) The issue of land use and zoning consistency for any
2989 alternate intermediate electrical substation that is proposed as
2990 part of an alternate electrical transmission line corridor and
2991 that is accepted by the applicant and the department under s.
2992 403.5271(1)(b) shall be addressed in the supplementary report
2993 prepared by the local government on the proposed alternate
2994 corridor and shall be considered as an issue at any final
2995 certification hearing. If such a proposed intermediate electrical
2996 substation is determined to not be consistent with local land use
2997 plans and zoning ordinances, the alternate electrical substation
2998 shall not be certified.

2999 Section 43. Paragraph (d) of subsection (3) of section
3000 403.509, Florida Statutes, is amended, present subsections (4)
3001 through (6) of that section, are redesignated as subsections (5)
3002 through (7), respectively, and a new subsection (4) is added to
3003 that section, to read:

3004 403.509 Final disposition of application.--

3005 (3) In determining whether an application should be
3006 approved in whole, approved with modifications or conditions, or
3007 denied, the board, or secretary when applicable, shall consider
3008 whether, and the extent to which, the location of the electrical
3009 power plant and directly associated facilities and their
3010 construction and operation will:

3011 (d) Meet the electrical energy needs of the state in an
3012 orderly, reliable, and timely fashion.

3013 (4) (a) Any transmission line corridor certified by the
3014 board, or secretary if applicable, shall meet the criteria of
3015 this section. When more than one transmission line corridor is
3016 proposed for certification under s. 403.503(10) and meets the

592-05450B-08

20081544c1

3017 criteria of this section, the board, or secretary if applicable,
3018 shall certify the transmission line corridor that has the least
3019 adverse impact regarding the criteria in subsection (3),
3020 including costs.

3021 (b) If the board, or secretary if applicable, finds that an
3022 alternate corridor rejected pursuant to s. 403.5271 as
3023 incorporated by reference in s. 403.5064(1)(b) meets the criteria
3024 of subsection (3) and has the least adverse impact regarding the
3025 criteria in subsection (3), the board, or secretary if
3026 applicable, shall deny certification or shall allow the applicant
3027 to submit an amended application to include the corridor.

3028 (c) If the board, or secretary if applicable, finds that
3029 two or more of the corridors that comply with subsection (3) have
3030 the least adverse impacts regarding the criteria in subsection
3031 (3), including costs, and that the corridors are substantially
3032 equal in adverse impacts regarding the criteria in subsection
3033 (3), including costs, the board, or secretary if applicable,
3034 shall certify the corridor preferred by the applicant if the
3035 corridor is one proper for certification under s. 403.503(10).

3036 Section 44. Subsection (5) is added to section 403.5115,
3037 Florida Statutes, to read:

3038 403.5115 Public notice.--

3039 (5) A proponent of an alternate corridor shall publish
3040 public notices concerning the filing of a proposal for an
3041 alternate corridor; the route of the alternate corridor; the
3042 revised time schedules, if any; the filing deadline for a
3043 petition to become a party; and the date of the rescheduled
3044 certification hearing, if necessary. For purposes of this
3045 subsection, all notices must be published in a newspaper or

592-05450B-08

20081544c1

3046 newspapers of general circulation within the county or counties
3047 affected by the proposed alternate corridor and must comply with
3048 the requirements provided in subsection (2). The notices must be
3049 published at least 45 days before the date of the rescheduled
3050 certification hearing.

3051 Section 45. Subsection (1) of section 403.5175, Florida
3052 Statutes, is amended to read:

3053 403.5175 Existing electrical power plant site
3054 certification.--

3055 (1) An electric utility that owns or operates an existing
3056 electrical power plant as defined in s. 403.503(14) ~~s.~~
3057 ~~403.503(13)~~ may apply for certification of an existing power
3058 plant and its site in order to obtain all agency licenses
3059 necessary to ensure compliance with federal or state
3060 environmental laws and regulation using the centrally
3061 coordinated, one-stop licensing process established by this part.
3062 An application for site certification under this section must be
3063 in the form prescribed by department rule. Applications must be
3064 reviewed and processed using the same procedural steps and
3065 notices as for an application for a new facility, except that a
3066 determination of need by the Public Service Commission is not
3067 required.

3068 Section 46. Subsection (6) is added to section 403.518,
3069 Florida Statutes, to read:

3070 403.518 Fees; disposition.--The department shall charge the
3071 applicant the following fees, as appropriate, which, unless
3072 otherwise specified, shall be paid into the Florida Permit Fee
3073 Trust Fund:

3074 (6) An application fee for an alternate corridor filed

592-05450B-08

20081544c1

3075 pursuant to s. 403.5064(4). The application fee shall be \$750 per
3076 mile for each mile of the alternate corridor located within an
3077 existing electric transmission line right-of-way or within an
3078 existing right-of-way for a road, highway, railroad, or other
3079 aboveground linear facility, or \$1,000 per mile for each mile of
3080 an electric transmission line corridor proposed to be located
3081 outside the existing right-of-way.

3082 Section 47. Subsection (4) of section 403.519, Florida
3083 Statutes, is amended to read:

3084 403.519 Exclusive forum for determination of need.--

3085 (4) In making its determination on a proposed electrical
3086 power plant using nuclear materials or synthesis gas produced by
3087 integrated gasification combined cycle power plant as fuel, the
3088 commission shall hold a hearing within 90 days after the filing
3089 of the petition to determine need and shall issue an order
3090 granting or denying the petition within 135 days after the date
3091 of the filing of the petition. The commission shall be the sole
3092 forum for the determination of this matter and the issues
3093 addressed in the petition, which accordingly shall not be
3094 reviewed in any other forum, or in the review of proceedings in
3095 such other forum. In making its determination to either grant or
3096 deny the petition, the commission shall consider the need for
3097 electric system reliability and integrity, including fuel
3098 diversity, the need for base-load generating capacity, the need
3099 for adequate electricity at a reasonable cost, and whether
3100 renewable energy sources and technologies, as well as
3101 conservation measures, are utilized to the extent reasonably
3102 available.

3103 (a) The applicant's petition shall include:

592-05450B-08

20081544c1

- 3104 1. A description of the need for the generation capacity.
- 3105 2. A description of how the proposed nuclear or integrated
3106 gasification combined cycle power plant will enhance the
3107 reliability of electric power production within the state by
3108 improving the balance of power plant fuel diversity and reducing
3109 Florida's dependence on fuel oil and natural gas.
- 3110 3. A description of and a nonbinding estimate of the cost
3111 of the nuclear or integrated gasification combined cycle power
3112 plant, including any costs associated with new, enlarged, or
3113 relocated electrical transmission lines or facilities of any size
3114 that are necessary to serve the nuclear power plant.
- 3115 4. The annualized base revenue requirement for the first 12
3116 months of operation of the nuclear or integrated gasification
3117 combined cycle power plant.
- 3118 5. Information on whether there were any discussions with
3119 any electric utilities regarding ownership of a portion of the
3120 nuclear or integrated gasification combined cycle power plant by
3121 such electric utilities.
- 3122 (b) In making its determination, the commission shall take
3123 into account matters within its jurisdiction, which it deems
3124 relevant, including whether the nuclear or integrated
3125 gasification combined cycle power plant will:
- 3126 1. Provide needed base-load capacity.
- 3127 2. Enhance the reliability of electric power production
3128 within the state by improving the balance of power plant fuel
3129 diversity and reducing Florida's dependence on fuel oil and
3130 natural gas.
- 3131 3. Provide the most cost-effective source of power, taking
3132 into account the need to improve the balance of fuel diversity,

592-05450B-08

20081544c1

3133 | reduce Florida's dependence on fuel oil and natural gas, reduce
3134 | air emission compliance costs, and contribute to the long-term
3135 | stability and reliability of the electric grid.

3136 | (c) No provision of rule 25-22.082, Florida Administrative
3137 | Code, shall be applicable to a nuclear or integrated gasification
3138 | combined cycle power plant sited under this act, including
3139 | provisions for cost recovery, and an applicant shall not
3140 | otherwise be required to secure competitive proposals for power
3141 | supply prior to making application under this act or receiving a
3142 | determination of need from the commission.

3143 | (d) The commission's determination of need for a nuclear or
3144 | integrated gasification combined cycle power plant shall create a
3145 | presumption of public need and necessity and shall serve as the
3146 | commission's report required by s. 403.507(4)(a). An order
3147 | entered pursuant to this section constitutes final agency action.
3148 | Any petition for reconsideration of a final order on a petition
3149 | for need determination shall be filed within 5 days after the
3150 | date of such order. The commission's final order, including any
3151 | order on reconsideration, shall be reviewable on appeal in the
3152 | Florida Supreme Court. Inasmuch as delay in the determination of
3153 | need will delay siting of a nuclear or integrated gasification
3154 | combined cycle power plant or diminish the opportunity for
3155 | savings to customers under the federal Energy Policy Act of 2005,
3156 | the Supreme Court shall proceed to hear and determine the action
3157 | as expeditiously as practicable and give the action precedence
3158 | over matters not accorded similar precedence by law.

3159 | (e) After a petition for determination of need for a
3160 | nuclear or integrated gasification combined cycle power plant has
3161 | been granted, the right of a utility to recover any costs

592-05450B-08

20081544c1

3162 incurred prior to commercial operation, including, but not
3163 limited to, costs associated with the siting, design, licensing,
3164 or construction of the plant and new, expanded, or relocated
3165 electrical transmission lines or facilities of any size that are
3166 necessary to serve the nuclear power plant, shall not be subject
3167 to challenge unless and only to the extent the commission finds,
3168 based on a preponderance of the evidence adduced at a hearing
3169 before the commission under s. 120.57, that certain costs were
3170 imprudently incurred. Proceeding with the construction of the
3171 nuclear or integrated gasification combined cycle power plant
3172 following an order by the commission approving the need for the
3173 nuclear or integrated gasification combined cycle power plant
3174 under this act shall not constitute or be evidence of imprudence.
3175 Imprudence shall not include any cost increases due to events
3176 beyond the utility's control. Further, a utility's right to
3177 recover costs associated with a nuclear or integrated
3178 gasification combined cycle power plant may not be raised in any
3179 other forum or in the review of proceedings in such other forum.
3180 Costs incurred prior to commercial operation shall be recovered
3181 pursuant to chapter 366.

3182 Section 48. Section 403.7055, Florida Statutes, is created
3183 to read:

3184 403.7055 Methane capture.--

3185 (1) Each county is encouraged to form multicounty regional
3186 solutions to the capture and reuse or sale of methane gas from
3187 landfills and wastewater treatment facilities.

3188 (2) The department shall provide planning guidelines and
3189 technical assistance to each county to develop and implement such
3190 multicounty efforts.

592-05450B-08

20081544c1

3191 Section 49. Paragraph (i) of subsection (6) of section
3192 403.814, Florida Statutes, is amended to read:

3193 403.814 General permits; delegation.--

3194 (6) Construction and maintenance of electric transmission
3195 or distribution lines in wetlands by electric utilities, as
3196 defined in s. 366.02, shall be authorized by general permit
3197 provided the following provisions are implemented:

3198 (i) This subsection also applies to transmission lines and
3199 appurtenances certified pursuant to part II of this chapter.

3200 However, the criteria of the general permit shall not otherwise
3201 affect the authority of the siting board to condition
3202 certification of transmission lines as authorized under part II
3203 of this chapter.

3204
3205 Maintenance of existing electric lines and clearing of vegetation
3206 in wetlands conducted without the placement of structures in
3207 wetlands or other dredge and fill activities does not require an
3208 individual or general construction permit. For the purpose of
3209 this subsection, wetlands shall mean the landward extent of
3210 waters of the state regulated under ss. 403.91-403.929 and
3211 isolated and nonisolated wetlands regulated under part IV of
3212 chapter 373. The provisions provided in this subsection apply to
3213 the permitting requirements of the department, any water
3214 management district, and any local government implementing part
3215 IV of chapter 373 or part VIII of this chapter.

3216 Section 50. Section 489.145, Florida Statutes, is amended
3217 to read:

3218 489.145 Guaranteed energy performance savings
3219 contracting.--

592-05450B-08

20081544c1

3220 (1) SHORT TITLE.--This section may be cited as the
3221 "Guaranteed Energy, Water, and Wastewater Performance Savings
3222 Contracting Act."

3223 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
3224 investment in energy, water, and wastewater conservation measures
3225 in agency facilities can reduce the amount of energy and water
3226 consumed and wastewater treated and produce immediate and long-
3227 term savings. It is the policy of this state to encourage each
3228 agency ~~agencies~~ to invest in energy, water, and wastewater
3229 efficiency and conservation measures ~~that reduce energy~~
3230 ~~consumption, produce a cost savings for the agency, and improve~~
3231 ~~the quality of indoor air in public facilities and to operate,~~
3232 ~~maintain, and, when economically feasible, build or renovate~~
3233 ~~existing agency facilities in such a manner as to minimize energy~~
3234 and water consumption and wastewater production and maximize
3235 energy, water, and wastewater savings. It is further the policy
3236 of this state to encourage agencies to reinvest any energy
3237 savings resulting from energy, water, and wastewater efficiency
3238 and conservation measures in additional energy, water, and
3239 wastewater conservation measures ~~efforts~~.

3240 (3) DEFINITIONS.--As used in this section, the term:

3241 (a) "Agency" means the state, a municipality, or a
3242 political subdivision.

3243 (b) "Energy conservation measure" means a ~~training program,~~
3244 ~~facility alteration,~~ or equipment purchase to be used in new
3245 construction, including an addition to ~~an~~ existing facilities or
3246 infrastructure ~~facility,~~ which reduces energy, water, or
3247 wastewater or energy-related operating costs and includes, but is
3248 not limited to:

592-05450B-08

20081544c1

- 3249 1. Insulation of the facility structure and systems within
3250 the facility.
- 3251 2. Storm windows and doors, caulking or weatherstripping,
3252 multiglazed windows and doors, heat-absorbing, or heat-
3253 reflective, glazed and coated window and door systems, additional
3254 glazing, reductions in glass area, and other window and door
3255 system modifications that reduce energy consumption.
- 3256 3. Automatic energy control systems.
- 3257 4. Heating, ventilating, or air-conditioning system
3258 modifications or replacements.
- 3259 5. Replacement or modifications of lighting fixtures to
3260 increase the energy efficiency of the lighting system, which, at
3261 a minimum, must conform to the applicable state or local building
3262 code.
- 3263 6. Energy recovery systems.
- 3264 7. Cogeneration systems that produce steam or forms of
3265 energy such as heat, as well as electricity, for use primarily
3266 within a facility or complex of facilities.
- 3267 8. Energy conservation measures that reduce Btu, kW, or kWh
3268 consumed or that provide long-term operating cost reductions ~~or~~
3269 ~~significantly reduce Btu consumed.~~
- 3270 9. Renewable energy systems, such as solar, biomass, or
3271 wind systems.
- 3272 10. Devices that reduce water consumption or sewer charges.
- 3273 11. Energy storage systems, such as fuel cells and thermal
3274 storage.
- 3275 12. Energy generating technologies, such as microturbines.
- 3276 13. Any other repair, replacement, or upgrade of existing
3277 equipment.

592-05450B-08

20081544c1

3278 (c) "Energy, water, and wastewater cost savings" means a
3279 measured reduction in the cost of fuel, energy, or water
3280 consumption or wastewater production, and stipulated operation
3281 and maintenance created from the implementation of one or more
3282 energy, water, or wastewater efficiency or conservation measures
3283 when compared with an established baseline for the previous cost
3284 of fuel, energy, or water consumption or wastewater production,
3285 and stipulated operation and maintenance.

3286 (d) "Guaranteed energy, water, and wastewater performance
3287 savings contract" means a contract for the evaluation,
3288 recommendation, and implementation of energy, water, and
3289 wastewater efficiency or conservation measures, which, at a
3290 minimum, shall include:

3291 1. The design and installation of equipment to implement
3292 one or more of such measures and, if applicable, operation and
3293 maintenance of such measures.

3294 2. The amount of any actual annual savings that meet or
3295 exceed total annual contract payments made by the agency for the
3296 contract.

3297 3. The finance charges incurred by the agency over the life
3298 of the contract.

3299 (e) "Guaranteed energy performance savings contractor"
3300 means a person or business that is licensed under chapter 471,
3301 chapter 481, or this chapter, and is experienced in the analysis,
3302 design, implementation, or installation of energy conservation
3303 measures through energy performance contracts.

3304 (f) "Investment grade energy audit" means a detailed
3305 energy, water, and wastewater audit, along with an accompanying
3306 analysis of proposed energy, water, and wastewater conservation

592-05450B-08

20081544c1

3307 measures, and their costs, savings, and benefits prior to entry
3308 into an energy savings contract.

3309 (4) PROCEDURES.--

3310 (a) An agency may enter into a guaranteed ~~energy~~
3311 performance savings contract with a guaranteed ~~energy~~ performance
3312 savings contractor to ~~significantly~~ reduce energy, water, or
3313 wastewater consumption or production of energy-related operating
3314 costs of an agency facility through one or more energy, water, or
3315 wastewater efficiency or conservation measures.

3316 (b) Before design and installation of energy conservation
3317 measures, the agency must obtain from a guaranteed energy
3318 performance savings contractor an investment grade audit a report
3319 that summarizes the costs associated with the energy conservation
3320 measures or energy-related operational cost-saving measures and
3321 provides an estimate of the amount of the ~~energy~~ cost savings.
3322 The agency and the guaranteed energy performance savings
3323 contractor may enter into a separate agreement to pay for costs
3324 associated with the preparation and delivery of the report;
3325 however, payment to the contractor shall be contingent upon the
3326 report's projection of energy or operational cost savings being
3327 equal to or greater than the total projected costs of the design
3328 and installation of the report's energy conservation measures.

3329 (c) The agency may enter into a guaranteed energy
3330 performance savings contract with a guaranteed energy performance
3331 savings contractor if the agency finds that the amount the agency
3332 would spend on the energy conservation or energy-related cost-
3333 savings measures will not likely exceed the amount of the energy
3334 or energy-related cost savings for up to 20 years from the date
3335 of installation, based on the life cycle cost calculations

592-05450B-08

20081544c1

3336 provided in s. 255.255, if the recommendations in the report were
3337 followed and if the qualified provider or providers give a
3338 written guarantee that the energy or energy-related cost savings
3339 will meet or exceed the costs of the system. However, actual
3340 computed cost savings must meet or exceed the estimated cost
3341 savings provided in program approval. Baseline adjustments used
3342 in calculations must be specified in the contract. The contract
3343 may provide for installment payments for a period not to exceed
3344 20 years.

3345 (d) A guaranteed ~~energy~~ performance savings contractor must
3346 be selected in compliance with s. 287.055; except that if fewer
3347 than three firms are qualified to perform the required services,
3348 the requirement for agency selection of three firms, as provided
3349 in s. 287.055(4)(b), and the bid requirements of s. 287.057 do
3350 not apply.

3351 (e) Before entering into a guaranteed energy performance
3352 savings contract, an agency must provide published notice of the
3353 meeting in which it proposes to award the contract, the names of
3354 the parties to the proposed contract, and the contract's purpose.

3355 (f) A guaranteed ~~energy~~ performance savings contract may
3356 provide for financing, including tax-exempt financing, by a third
3357 party. The contract for third party financing may be separate
3358 from the guaranteed ~~energy~~ performance contract. A separate
3359 contract for third party financing must include a provision that
3360 the third party financier must not be granted rights or
3361 privileges that exceed the rights and privileges available to the
3362 guaranteed energy performance savings contractor.

3363 (g) Financing for guaranteed energy performance savings
3364 contracts may be provided under the authority of s. 287.064.

592-05450B-08

20081544c1

3365 (h) The office of the Chief Financial Officer shall review
3366 proposals from state agencies to ensure that the most effective
3367 financing is being used.

3368 (i) Annually, the agency that has entered into the contract
3369 shall provide the Department of Management Services and the Chief
3370 Financial Officer the measurement and verification report
3371 required by the contract to validate that energy savings have
3372 occurred.

3373 (j)~~(g)~~ In determining the amount the agency will finance to
3374 acquire the ~~energy~~ conservation measures, the agency may reduce
3375 such amount by the application of any grant moneys, rebates, or
3376 capital funding available to the agency for the purpose of buying
3377 down the cost of the guaranteed ~~energy~~ performance savings
3378 contract. However, in calculating the life cycle cost as required
3379 in paragraph (c), the agency shall not apply any grants, rebates,
3380 or capital funding.

3381 (5) CONTRACT PROVISIONS.--

3382 (a) A guaranteed ~~energy~~ performance savings contract must
3383 include a written guarantee that may include, but is not limited
3384 to the form of, a letter of credit, insurance policy, or
3385 corporate guarantee by the guaranteed ~~energy~~ performance savings
3386 contractor that annual associated ~~energy~~ cost savings will meet
3387 or exceed the amortized cost of energy conservation measures.

3388 (b) The guaranteed ~~energy~~ performance savings contract must
3389 provide that all payments, except obligations on termination of
3390 the contract before its expiration, may be made over time, but
3391 not to exceed 20 years from the date of complete installation and
3392 acceptance by the agency, and that the annual savings are
3393 guaranteed to the extent necessary to make annual payments to

592-05450B-08

20081544c1

3394 satisfy the guaranteed ~~energy~~ performance savings contract.

3395 (c) The guaranteed ~~energy~~ performance savings contract must
3396 require that the guaranteed energy performance savings contractor
3397 to whom the contract is awarded provide a 100-percent public
3398 construction bond to the agency for its faithful performance, as
3399 required by s. 255.05.

3400 (d) The guaranteed ~~energy~~ performance savings contract may
3401 contain a provision allocating to the parties to the contract any
3402 annual energy cost savings that exceed the amount of the energy
3403 cost savings guaranteed in the contract.

3404 (e) The guaranteed energy performance savings contract
3405 shall require the guaranteed ~~energy~~ performance savings
3406 contractor to provide to the agency an annual reconciliation of
3407 the guaranteed energy or energy-related cost savings. If the
3408 reconciliation reveals a shortfall in annual energy or energy-
3409 related cost savings, the guaranteed ~~energy~~ performance savings
3410 contractor is liable for such shortfall. If the reconciliation
3411 reveals an excess in annual ~~energy~~ cost savings, the excess
3412 savings may be allocated under paragraph (d) but may not be used
3413 to cover potential ~~energy~~ cost savings shortages in subsequent
3414 contract years.

3415 (f) The guaranteed ~~energy~~ performance savings contract must
3416 provide for payments of not less than one-twentieth of the price
3417 to be paid within 2 years from the date of the complete
3418 installation and acceptance by the agency using straight-line
3419 amortization for the term of the loan, and the remaining costs to
3420 be paid at least quarterly, not to exceed a 20-year term, based
3421 on life cycle cost calculations.

3422 (g) The guaranteed ~~energy~~ performance savings contract may

592-05450B-08

20081544c1

3423 extend beyond the fiscal year in which it becomes effective;
3424 however, the term of any contract expires at the end of each
3425 fiscal year and may be automatically renewed annually for up to
3426 20 years, subject to the agency making available sufficient
3427 annual funds ~~appropriations~~ based upon continued realized energy
3428 savings.

3429 (h) The guaranteed ~~energy~~ performance savings contract must
3430 stipulate that it does not constitute a debt, liability, or
3431 obligation of the state.

3432 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
3433 Department of Management Services, with the assistance of the
3434 Office of the Chief Financial Officer, shall ~~may, within~~
3435 ~~available resources,~~ provide technical content assistance to
3436 state agencies contracting for energy conservation measures and
3437 engage in other activities considered appropriate by the
3438 department for promoting and facilitating guaranteed energy
3439 performance contracting by state agencies. The Department of
3440 Management Services shall review the investment-grade audit for
3441 each proposed project and certify that the cost savings are
3442 appropriate and sufficient for the term of the contract. The
3443 Office of the Chief Financial Officer, with the assistance of the
3444 Department of Management Services, shall develop model
3445 contractual and other related documents and shall, by rule ~~may,~~
3446 ~~within available resources,~~ develop the contract requirements
3447 ~~model contractual and related documents~~ for use by state and
3448 other agencies. Prior to entering into a guaranteed energy
3449 performance savings contract, any contract or lease for third-
3450 party financing, or any combination of such contracts, a state
3451 agency shall submit such proposed contract or lease to the Office

592-05450B-08

20081544c1

3452 of the Chief Financial Officer for review and approval. A
3453 proposed contract or lease shall include:

3454 (a) Supporting information required by s. 216.023(a)9. in
3455 ss. 287.063(5) and 287.064(11). For contracts approved under s.
3456 489.145, the criteria may, at a minimum, include the
3457 specification of a benchmark cost of capital and minimum real
3458 rate of return on energy, water, or wastewater savings against
3459 which proposals shall be evaluated.

3460 (b) Documentation supporting recurring funds requirements
3461 in ss. 287.063(5) and 287.064(11).

3462 (c) Approval by the agency head or his or her designee.

3463 (d) An agency measurement and verification plan to monitor
3464 cost savings.

3465 (7) FUNDING SUPPORT.--For purposes of consolidated
3466 financing of deferred payment commodity contracts under this
3467 section by a state agency, any such contract must be supported
3468 from available recurring funds appropriated to the agency in an
3469 appropriation category, as defined in chapter 216, which the
3470 Legislature has designated for payment of the obligation incurred
3471 under this section, or which the Chief Financial Officer has
3472 determined is appropriate.

3473
3474 The office of the Chief Financial Officer may not approve any
3475 contract from any state agency submitted under this section which
3476 does not meet the requirements of this section.

3477 Section 51. Section 526.203, Florida Statutes, is created
3478 to read:

3479 526.203 Renewable fuel standard.--

592-05450B-08

20081544c1

3480 (1) DEFINITIONS.--As used in this ss. 526.203-526.206, the
3481 terms "blender," "exporter," "importer," "terminal supplier," and
3482 "wholesaler" shall be defined as provided in s. 206.01.

3483 (a) "Fuel ethanol-blended gasoline" means a mixture of 90
3484 percent gasoline and 10 percent fuel ethanol or similar alcohol.
3485 The 10 percent fuel ethanol, or similar alcohol, portion may be
3486 derived from any agricultural source.

3487 (b) "Unblended gasoline" means gasoline that has not been
3488 blended with fuel ethanol.

3489 (2) FUEL STANDARD.--On and after December 31, 2010, all
3490 gasoline sold or offered for sale in Florida at retail shall
3491 contain, at a minimum 10 percent of a agriculturally derived,
3492 denatured ethanol fuel by volume. No terminal supplier, importer,
3493 exporter, blender, or wholesaler in this state shall sell or
3494 deliver fuel that which does not meet the blending requirements
3495 of ss. 526.203-526.206.

3496 (3) EXEMPTIONS.--The requirements of ss. 526.203-526.206 do
3497 not apply to the following:

3498 (a) Fuel used in aircraft;

3499 (b) Fuel sold at marinas and mooring docks for use in boats
3500 and similar watercraft;

3501 (c) Fuel sold at public or private racecourses intended to
3502 be used exclusively as a fuel for off-highway motor sports racing
3503 events;

3504 (d) Fuel sold for use in collector vehicles or vehicles
3505 eligible to be licensed as collector vehicles, off-road vehicles,
3506 motorcycles, or small engines.

3507 (e) Fuel unable to comply due to requirements of the United
3508 States Environmental Protection Agency;

592-05450B-08

20081544c1

- 3509 (f) Fuel bulk transferred between terminals;
3510 (g) Fuel exported from the state in accordance with s.
3511 206.052;
3512 (h) Fuel qualifying for any exemption in accordance with
3513 chapter 206;
3514 (i) Fuel at an electric power plant that is regulated by
3515 the United States Nuclear Regulatory Commission unless such
3516 commission has approved the use of fuel meeting the requirements
3517 of subsection (2);
3518 (j) Fuel for a railroad locomotive; or
3519 (k) Fuel for equipment, including vehicle or vessel,
3520 covered by a warranty that would be voided, if explicitly stated
3521 in writing by the vehicle or vessel manufacturer, if it were to
3522 be operated using fuel meeting the requirements of subsection
3523 (2).
3524 (4) REPORT.--Pursuant to s. 206.43, each terminal supplier,
3525 importer, exporter, blender, and wholesaler shall include in its
3526 report to the Department of Revenue the number of gallons of
3527 gasoline fuel meeting and not meeting the requirements of ss.
3528 526.203-526.206 which is sold and delivered by the terminal
3529 supplier, importer, exporter, blender, or wholesaler in the
3530 state, and the destination as to the county in the state to which
3531 the gasoline was delivered for resale at retail or use.
3532 Section 52. Section 526.204, Florida Statutes, is created to
3533 read:
3534 526.204 Suspension during declared emergencies; waivers.--
3535 (1) In order to account for supply disruptions and ensure
3536 reliable supplies of motor fuels for Florida, the requirements of
3537 ss. 526.203-526.206 shall be suspended when the provisions of s.

592-05450B-08

20081544c1

3538 252.36(2) in any area of the state are in effect plus an
3539 additional 30 days.

3540 (2) If a terminal supplier, importer, exporter, blender, or
3541 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
3542 blended gasoline at the same or lower price than the price of
3543 unblended gasoline, the sale or delivery of unblended gasoline by
3544 the terminal supplier, importer, exporter, blender, or wholesaler
3545 shall not be deemed a violation of ss. 526.203-526.206. The
3546 terminal supplier, importer, exporter, blender, or wholesaler
3547 shall, upon request, provide the required documentation regarding
3548 the sales transaction and price of fuel ethanol, fuel ethanol-
3549 blended gasoline, and unblended gasoline to the Department of
3550 Revenue.

3551 Section 53. Section 526.205, Florida Statutes, is created
3552 to read:

3553 526.205 Enforcement.--

3554 (1) It is unlawful to sell or distribute, or offer for sale
3555 or distribution, any gasoline that fails to meet the requirements
3556 of ss. 526.203-526.207.

3557 (2) Upon determining that a terminal supplier, importer,
3558 exporter, blender, or wholesaler is not meeting the requirements
3559 of s. 526.203(2), the Department of Revenue shall notify the
3560 department.

3561 (3) Upon notification by the Department of Revenue of a
3562 violation of ss. 526.203-526.206, the department shall, subject
3563 to subsection (1), grant an extension or enter an order imposing
3564 one or more of the following penalties:

3565 (a) Issuance of a warning letter.

592-05450B-08

20081544c1

3566 (b) Imposition of an administrative fine of not more than
3567 \$1,000 per violation for a first-time offender. For a second-time
3568 or repeat offender, or any person who is shown to have willfully
3569 and intentionally violated any provision of this chapter, the
3570 administrative fine shall not exceed \$5,000 per violation. When
3571 imposing any fine under this section, the department shall
3572 consider the amount of money the violator benefited from by
3573 noncompliance, whether the violation was committed willfully, and
3574 the compliance record of the violator.

3575 (c) Revocation or suspension of any registration issued by
3576 the department.

3577 (4) Any terminal supplier, importer, exporter, blender, or
3578 wholesaler may apply to the department by September 30, 2010, for
3579 an extension of time to comply with the requirements of ss.
3580 526.203-526.206. The application for an extension must
3581 demonstrate that the applicant has made a good faith effort to
3582 comply with the requirements but has been unable to do so for
3583 reasons beyond the applicant's control, such as delays in
3584 receiving governmental permits. The department shall review each
3585 application and make a determination as to whether the failure to
3586 comply was beyond the control of the applicant. If the department
3587 determines that the applicant made a good faith effort to comply,
3588 but was unable to do so for reasons beyond the applicant's
3589 control, the department shall grant an extension of time
3590 determined necessary for the applicant to comply. If no extension
3591 is granted, the department shall proceed with enforcement
3592 pursuant to subsection (3).

3593 Section 54. Section 526.206, Florida Statutes, is created
3594 to read:

592-05450B-08

20081544c1

3595 526.206 Rules.--

3596 (1) The Department of Revenue is authorized to adopt rules
3597 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
3598 of ss. 526.203-526.206.

3599 (2) The Department of Agriculture and Consumer Services is
3600 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
3601 to implement the provisions of ss. 526.203-526.206.

3602 Section 55. Studies and reports.--

3603 (1) The Florida Energy Commission shall conduct a study to
3604 evaluate and recommend the lifecycle greenhouse gas emissions
3605 associated with all renewable fuels, including, but not limited
3606 to, biodiesel, renewable diesel, biobutanol, ethanol derived from
3607 corn, ethanol derived from sugar, and cellulosic ethanol. In
3608 addition, the study shall evaluate and recommend a requirement
3609 that all renewable fuels introduced into commerce in the state,
3610 as a result of the renewable fuel standard, shall reduce the
3611 lifecycle greenhouse gas emissions by an average percentage. The
3612 study may also evaluate and recommend any benefits associated
3613 with the creation, banking, transfer, and sale of credits among
3614 fuel refiners, blenders, and importers.

3615 (2) The Florida Energy Commission shall submit a report
3616 containing specific recommendations to the President of the
3617 Senate and the Speaker of the House of Representatives no later
3618 than December 31, 2010.

3619 Section 56. Present subsection (5) of section 553.77,
3620 Florida Statutes, is renumbered as subsection (6), and a new
3621 subsection (5) is added to that section, to read:

3622 553.77 Specific powers of the commission.--

3623 (5) The commission may implement its recommendations

592-05450B-08

20081544c1

3624 delivered pursuant to subsection (2) of section 48 of chapter
3625 2007-73, Laws of Florida, by amending the Florida Energy
3626 Efficiency Code for Building Construction as provided in s.
3627 553.901.

3628 Section 57. Section 553.886, Florida Statutes, is created
3629 to read:

3630 553.886 Energy-efficiency technologies.--The provisions of
3631 the Florida Building Code must facilitate and promote the use of
3632 cost-effective energy conservation, energy-demand management, and
3633 renewable energy technologies in buildings.

3634 Section 58. Section 553.9061, Florida Statutes, is created
3635 to read:

3636 553.9061 Scheduled increases in thermal efficiency
3637 standards.--

3638 (1) This section establishes a schedule of required
3639 increases in the energy-efficiency performance of buildings that
3640 are subject to the requirements for energy efficiency as
3641 contained in the current edition of the Florida Building Code.
3642 The Florida Building Commission shall implement the following
3643 energy-efficiency goals using the triennial code-adoption process
3644 established for updates to the Florida Building Code in s.
3645 553.73:

3646 (a) Include requirements in the 2010 edition of the Florida
3647 Building Code to increase the energy-efficiency performance of
3648 new buildings by at least 20 percent as compared to the
3649 performance achieved as a result of the implementation of the
3650 energy-efficiency provisions contained in the 2004 edition of the
3651 Florida Building Code, as amended on May 22, 2007;

3652 (b) Include requirements in the 2013 edition of the Florida

592-05450B-08

20081544c1

3653 Building Code to increase the energy-efficiency performance of
3654 new buildings by at least 30 percent as compared to the
3655 performance achieved as a result of the implementation of the
3656 energy-efficiency provisions contained in the 2004 edition of the
3657 Florida Building Code, as amended on May 22, 2007;

3658 (c) Include requirements in the 2016 edition of the Florida
3659 Building Code to increase the energy-efficiency performance of
3660 new buildings by at least 40 percent as compared to the
3661 performance achieved as a result of the implementation of the
3662 energy-efficiency provisions contained in the 2004 edition of the
3663 Florida Building Code, as amended on May 22, 2007; and

3664 (d) Include requirements in the 2019 edition of the Florida
3665 Building Code to increase the energy-efficiency performance of
3666 new buildings by at least 50 percent as compared to the
3667 performance achieved as a result of the implementation of the
3668 energy-efficiency provisions contained in the 2004 edition of the
3669 Florida Building Code, as amended on May 22, 2007.

3670 (2) The commission shall identify in any code-support and
3671 compliance documentation the specific building options and
3672 elements available to meet the energy-efficiency performance
3673 requirements required under subsection (1). Energy-efficiency
3674 performance options and elements include, but are not limited to:

3675 (a) Solar water heating;

3676 (b) Energy-efficient appliances;

3677 (c) Energy-efficient windows, doors, and skylights;

3678 (d) Low solar-absorption roofs, also known as "cool roofs";

3679 (e) Enhanced ceiling and wall insulation;

3680 (f) Reduced-leak duct systems;

3681 (g) Programmable thermostats; and

592-05450B-08

20081544c1

3682 (h) Energy-efficient lighting systems.

3683 Section 59. (1) The Florida Building Commission shall
3684 conduct a study to evaluate the energy-efficiency rating of new
3685 buildings and appliances. The study must include a review of the
3686 current energy-efficiency ratings and consumer labeling
3687 requirements contained in chapter 553, Florida Statutes. The
3688 commission shall submit a written report of its study to the
3689 President of the Senate and the Speaker of the House of
3690 Representatives on or before February 1, 2009. The report must
3691 contain the commission's recommendations regarding the
3692 strengthening and integration of energy-efficiency ratings and
3693 labeling requirements.

3694 (2) The provisions of this section expire July 1, 2009.

3695 Section 60. (1) The Florida Building Commission shall
3696 conduct a study to evaluate opportunities to restructure the
3697 Florida Energy Efficiency Code for Building Construction to
3698 achieve long-range improvements to building energy performance.
3699 During such study, the commission shall address the integration
3700 of the Thermal Efficiency Code established in part V of chapter
3701 553, Florida Statutes, the Energy Conservation Standards Act
3702 established in part VI of chapter 553, Florida Statutes, and the
3703 Florida Building Energy-Efficiency Rating Act established in part
3704 VIII of chapter 553, Florida Statutes.

3705 (2) The commission shall submit a report containing
3706 specific recommendations on the integration of the code and acts
3707 identified in subsection (1) to the President of the Senate and
3708 the Speaker of the House of Representatives on or before February
3709 1, 2009.

3710 (3) The provisions of this section expire July 1, 2009.

592-05450B-08

20081544c1

3711 Section 61. (1) The Department of Community Affairs, in
3712 conjunction with the Florida Energy Affordability Coalition,
3713 shall identify and review issues relating to the Low-Income Home
3714 Energy Assistance Program and the Weatherization Assistance
3715 Program, and identify recommendations that:

3716 (a) Support customer health, safety, and well-being;

3717 (b) Maximize available financial and energy-conservation
3718 assistance;

3719 (c) Improve the quality of service to customers seeking
3720 assistance; and

3721 (d) Educate customers to make informed decisions regarding
3722 energy use and conservation.

3723 (2) On or before January 1, 2009, the department shall
3724 report its findings and any recommended statutory changes
3725 required to implement such findings to the President of the
3726 Senate and the Speaker of the House of Representatives.

3727 (3) The provisions of this section expire July 1, 2009.

3728 Section 62. Subsection (1) of section 553.957, Florida
3729 Statutes, is amended to read:

3730 553.957 Products covered by this part.--

3731 (1) The provisions of this part apply to the testing,
3732 certification, and enforcement of energy conservation standards
3733 for the following types of new commercial and residential
3734 products sold in the state:

3735 (a) Refrigerators, refrigerator-freezers, and freezers
3736 which can be operated by alternating current electricity,
3737 excluding:

3738 1. Any type designed to be used without doors; and

3739 2. Any type which does not include a compressor and

592-05450B-08

20081544c1

3740 condenser unit as an integral part of the cabinet assembly.

3741 (b) Lighting equipment.

3742 (c) Showerheads.

3743 (d) Electric water heaters used to heat potable water in
3744 homes or businesses.

3745 (e) Electric motors used to pump water within swimming
3746 pools.

3747 (f) Water heaters for swimming pools.

3748 (g) ~~(d)~~ Any other type of consumer product which the
3749 department classifies as a covered product as specified in this
3750 part.

3751 Section 63. Section 553.975, Florida Statutes, is amended
3752 to read:

3753 553.975 Report to the Governor and Legislature.--The Public
3754 Service Commission shall submit a biennial report to the
3755 Governor, the President of the Senate, and the Speaker of the
3756 House of Representatives, concurrent with the report required by
3757 s. 366.82(5) ~~s. 366.82(4)~~, beginning in 1990. Such report shall
3758 include an evaluation of the effectiveness of these standards on
3759 energy conservation in this state.

3760 Section 64. The Public Service Commission shall analyze
3761 utility revenue decoupling and provide a report and
3762 recommendations to the Governor, the President of the Senate, and
3763 the Speaker of the House of Representatives by January 1, 2009.

3764 Section 65. Subsection (6) is added to section 718.113,
3765 Florida Statutes, to read:

3766 718.113 Maintenance; limitation upon improvement; display
3767 of flag; hurricane shutters.--

3768 (6) Notwithstanding the provisions of this section or the

592-05450B-08

20081544c1

3769 governing documents of a condominium or a multicondominium
3770 association, the board of administration may, without any
3771 requirement for approval of the unit owners, install upon or
3772 within the common elements or association property solar
3773 collectors, clotheslines, or other energy-efficient devices based
3774 on renewable resources for the benefit of the unit owners.

3775 Section 66. Section 1004.648, Florida Statutes, is created
3776 to read:

3777 1004.648 Florida Energy Systems Consortium.--

3778 (1) There is created the Florida Energy Systems Consortium,
3779 "FESC" or "consortium" to promote collaboration between experts
3780 in the State University System for the purpose of developing and
3781 implementing a comprehensive, long-term, environmentally
3782 compatible, sustainable, and efficient energy strategic plan for
3783 the state. The consortium shall focus on an overall broad systems
3784 approach from energy resource to consumer and for producing
3785 innovative energy systems that will lead to alternative energy
3786 strategies, improved energy efficiencies, and expanded economic
3787 development for the state. The consortium shall consist of the
3788 University of Florida, Florida State University, the University
3789 of South Florida, the University of Central Florida, and Florida
3790 Atlantic University. The consortium shall be administered at the
3791 University of Florida by a director who shall report to an
3792 oversight board that shall consist of the vice president for
3793 research at each of the five universities. The oversight board
3794 shall have ultimate responsibility for both the technical
3795 performance and financial management of the FESC. In performing
3796 its activities, the FESC shall collaborate with the Florida
3797 Energy Commission, as established in s. 377.901, as well as with

592-05450B-08

20081544c1

3798 industry and other affected parties.

3799 (2) Through collaborative research and development across
3800 the State University System and industry, the goal of the FESC is
3801 to become a world leader in energy research, education,
3802 technology, and energy systems analysis. In so doing, the
3803 consortium shall:

3804 (a) Coordinate and initiate increased collaborative
3805 interdisciplinary energy research among universities and the
3806 energy industry.

3807 (b) Create a Florida energy technology industry.

3808 (c) Provide a state resource for objective energy systems
3809 analysis.

3810 (d) Develop education and outreach programs to prepare a
3811 qualified energy workforce and informed public.

3812 (3) In order to promote collaboration between researchers
3813 within the State University System, with industry, and other
3814 external partners, the consortium shall receive input from an
3815 external, industry-dominated advisory board. The university
3816 council, which shall consist of one member from each university
3817 designated by the corresponding vice president for research,
3818 shall provide guidance on vision and direction to the director.
3819 The board, the chair of the Florida Energy Commission, and the
3820 council shall constitute the steering committee. The steering
3821 committee is responsible for establishing and ensuring the
3822 success of the FESC's strategic plan.

3823 (4) A major focus of the FESC shall be to expedite
3824 commercialization of innovative energy technologies by taking
3825 advantage of energy expertise within the State University System,
3826 high technology incubators, industrial parks, and industry-driven

592-05450B-08

20081544c1

3827 research centers in order to attract companies to establish
3828 manufacturing in the state and provide for the transition of
3829 technologies into the state economy.

3830 (5) The consortium shall solicit and leverage state,
3831 federal, and private funds for the purpose of conducting
3832 education, research, and development in the area of sustainable
3833 energy. The oversight board shall ensure that the FESC maintains
3834 accurate records of any funds received by the consortium.

3835 (6) Through research and instructional programs, the
3836 faculty associated with the consortium shall coordinate a
3837 statewide workforce development initiative focusing on college-
3838 level degrees, technician training, and public and commercial
3839 sectors awareness. The consortium shall develop specific programs
3840 directed at preparing graduates having a background in energy
3841 continuing education courses for technical and nontechnical
3842 professionals and modules, laboratories, and courses to be shared
3843 among the universities. FESC shall work with the Florida
3844 Community College System using the Florida Advanced Technological
3845 Education Center for the coordination and design of industry-
3846 specific training programs for technicians.

3847 (7) By November 1 of each year, FESC shall submit an annual
3848 report to the Governor, the President of the Senate, the Speaker
3849 of the House of Representatives and the Florida Energy Commission
3850 regarding its activities, including, but not limited to,
3851 education, research, development, and deployment of alternative
3852 energy technologies.

3853 Section 67. State interest.--

3854 (1) As a condition for the issuance of grants or other
3855 monetary awards to private companies for energy-related research

592-05450B-08

20081544c1

3856 or deployment projects, the Department of Environmental
3857 Protection may require a negotiated or licensing agreement
3858 containing a stipulation requiring the return to the state of an
3859 agreed-upon amount or percentage of profit resulting from
3860 commercialization of the product or process.

3861 (2) The Department of Environmental Protection shall
3862 conduct a study to determine how negotiated or licensing
3863 agreements may best be used in these situations in order for the
3864 state to earn a monetary return on energy-related products or
3865 processes that are ultimately prohibited upon commercialization.
3866 The department shall submit its study to the Governor, the
3867 President of the Senate, and the Speaker of the House of
3868 Representatives by February 1, 2009.

3869 Section 68. The Department of Environmental Protection, in
3870 conjunction with the Department of Agriculture and Consumer
3871 Services, shall conduct an economic impact analysis on the
3872 effects of granting financial incentives to energy producers who
3873 use woody biomass as fuel. It shall include an analysis of the
3874 effects on wood supply and prices and the impacts on current
3875 markets and on forest sustainability. The department shall submit
3876 the results of the study to the President of the Senate and the
3877 Speaker of the House of Representatives.

3878 Section 69. Recycling.--

3879 (1) The Legislature finds that the failure or inability to
3880 economically recover material and energy resources from solid
3881 waste results in the unnecessary waste and depletion of our
3882 natural resources. Therefore, the maximum recycling and reuse of
3883 such resources must be a high-priority goal of this state.

3884 (2) The long-term goal for reducing solid waste through the

592-05450B-08

20081544c1

3885 recycling efforts of state and local governmental entities shall,
3886 by the year 2020, be a statewide average reduction of 75 percent
3887 of the amount of solid waste that was disposed of in 2007, not
3888 including any recycling efforts undertaken during that year.

3889 (3) The Department of Environmental Protection shall, by
3890 January 1, 2010, develop a recycling program in conjunction with
3891 state and local governments which is designed to meet the
3892 reduction goal stated in subsection (2).

3893 Section 70. The Department of Environmental Protection,
3894 when submitting proposed rules adopted pursuant to s. 403.44,
3895 Florida Statutes, the Climate Protection Act, for ratification by
3896 the Legislature, shall submit a summary report to the Governor,
3897 the President of the Senate, and the Speaker of the House of
3898 Representatives. The report must describe the costs and benefits
3899 of a cap-and-trade system and must include, but need not be
3900 limited to:

3901 (1) The impact of a cap-and-trade system on electricity
3902 prices charged to consumers.

3903 (2) The overall cost of a cap-and-trade system to the
3904 economy of this state.

3905 (3) The effect of a cap-and-trade system on low-income
3906 consumers if the system results in an increase of energy prices
3907 on low-income consumers.

3908 Section 71. Except as otherwise expressly provided in this
3909 act, this act shall take effect upon becoming a law.