

By the Committees on Communications and Public Utilities;
Environmental Preservation and Conservation; and Senator
Saunders

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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 amending s. 187.201, F.S.; adopting provisions of the

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30 State Comprehensive Plan concerning the development,
31 siting, and use of low-carbon-emitting electric power
32 plants; creating s. 193.804, F.S.; prohibiting the
33 property appraiser from increasing the taxable value of
34 homestead property when the taxpayer adds any solar energy
35 device to the property; authorizing the property appraiser
36 to refer the matter to the Department of Environmental
37 Protection if the property appraiser questions whether a
38 taxpayer is entitled, in whole or in part, to a solar
39 energy device exemption; requiring the Department of
40 Environmental Protection to adopt rules; amending s.
41 196.012, F.S.; deleting the definition of the term
42 "renewable energy source device" or "device"; amending s.
43 206.43, F.S.; requiring each terminal supplier, importer,
44 exporter, blender, and wholesaler to include the number of
45 gallons of gasoline fuel which meet and fail to meet
46 certain requirements in their monthly reports to the
47 Department of Revenue; amending s. 212.08, F.S.; providing
48 that the sale or use of wind energy or wind turbines is
49 exempt from sales or use taxes as equipment, machinery,
50 and other materials used for renewable energy
51 technologies; requiring that the Florida Energy and
52 Climate Commission rather than the Department of
53 Environmental Protection implement certain
54 responsibilities concerning eligibility and application
55 for the tax exemption; requiring the commission to adopt,
56 by rule, an application form, including the required
57 content and documentation to support the application, for
58 the taxpayer to use in claiming the tax exemption;

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59 | amending s. 220.192, F.S.; defining terms relating to a
60 | tax credit; providing that 75 percent of all capital,
61 | operation, and maintenance costs, and research and
62 | development costs incurred between specified dates, up to
63 | a specified limit, may be credited against taxes owed in
64 | connection with an investment in the production of wind
65 | energy; allowing the tax credit to be transferred for a
66 | specified period; providing procedures and requirements;
67 | authorizing the Department of Revenue to adopt rules;
68 | amending s. 220.193, F.S.; defining the terms "sale" or
69 | "sold" and "taxpayer"; providing legislative intent
70 | concerning retroactive application of certain renewable
71 | energy production tax credits; providing for the pass
72 | through of a renewable energy production tax credit under
73 | certain conditions; providing for retroactive application;
74 | amending s. 253.02, F.S.; authorizing the Secretary of
75 | Environmental Protection to grant easements across lands
76 | owned by the Board of Trustees of the Internal Improvement
77 | Trust Fund under certain conditions; amending s. 253.034,
78 | F.S.; granting a utility the use of nonsovereignty state-
79 | owned lands upon a showing of competent substantial
80 | evidence that the use is reasonable; establishing criteria
81 | relating to the title, distribution, and cost of such
82 | lands; amending s. 255.249, F.S.; requiring state agencies
83 | to annually provide telecommuting plans to the Department
84 | of Management Services; amending s. 255.251, F.S.;
85 | creating the "Florida Energy Conservation and Sustainable
86 | Buildings Act"; amending s. 255.252, F.S.; providing
87 | findings and legislative intent; providing that it is the

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88 policy of the state that buildings constructed and
89 financed by the state, or existing buildings renovated by
90 the state, be designed and constructed with a goal of
91 meeting or exceeding the United States Green Building
92 Council (USGBC) Leadership in Energy and Environmental
93 Design (LEED) rating system, the Green Building
94 Initiative's Green Globes rating system, or the Florida
95 Green Building Coalition standards; requiring each state
96 agency to identify and compile a list of energy-
97 conservation projects that it determines are suitable for
98 a guaranteed energy performance savings contract; amending
99 s. 255.253, F.S.; defining terms relating to energy
100 conservation for buildings; amending s. 255.254, F.S.;
101 prohibiting a state agency from leasing or constructing a
102 facility without having secured from the Department of
103 Management Services an evaluation of life-cycle costs for
104 the building; requiring certain leased buildings to have
105 an energy performance analysis conducted; requiring the
106 owner of any building leased by the state from the private
107 sector to submit provisions for monthly energy use data to
108 the department; amending s. 255.255, F.S.; requiring the
109 department to use sustainable building ratings for
110 conducting a life-cycle cost analysis; amending s.
111 255.257, F.S.; requiring that energy consumption and cost
112 be reported to the department annually in a format
113 prescribed by the department; providing duties of energy-
114 management coordinators; requiring that the department of
115 Management Services develop a state energy-management
116 plan; requiring that state agencies adopt certain rating

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117 systems; prohibiting state agencies from entering into
118 leasing agreements for office space not meeting certain
119 building standards; providing an exception; requiring that
120 state agencies develop energy-conservation measures and
121 guidelines for new and existing office space in which
122 state agencies occupy greater than a specified amount of
123 square footage; providing requirements for such measures;
124 creating s. 286.275, F.S.; requiring the Department of
125 Management Services to develop the Florida Climate
126 Friendly Preferred Products List; requiring state agencies
127 to consult the list and purchase products from the list
128 under certain circumstances; requiring state agencies to
129 contract for meeting and conference space with facilities
130 having the "Green Lodging" designation; authorizing the
131 Department of Environmental Protection to adopt rules;
132 requiring the department to establish voluntary technical
133 assistance programs for various businesses; requiring
134 state agencies to maintain vehicles according to minimum
135 standards and follow certain procedures when procuring new
136 vehicles; requiring state agencies to use ethanol and
137 biodiesel-blended fuels when available; amending s.
138 287.063, F.S.; prohibiting the payment term for equipment
139 from exceeding the useful life of the equipment unless the
140 contract provides for the replacement or the extension of
141 the useful life of the equipment during the term of the
142 deferred payment contract; amending s. 287.064, F.S.;
143 authorizing an extension of the master equipment financing
144 agreement for energy conservation equipment; requiring the
145 guaranteed energy, water, and wastewater performance

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146 savings contractor to provide for the replacement or the
147 extension of the useful life of the equipment during the
148 term of the contract; amending s. 287.16, F.S.; requiring
149 the Department of Management Services to conduct an
150 analysis of the Department of Transportation's ethanol and
151 biodiesel use and encourage other state agencies to
152 analyze transportation fuel usage and report such
153 information to the Department of Management Services;
154 amending s. 288.1089, F.S.; defining the term "alternative
155 and renewable energy"; detailing the conditions for an
156 alternative and renewable energy project to be eligible
157 for an innovation incentive award; amending s. 337.401,
158 F.S.; requiring the Department of Environmental Protection
159 to adopt rules relating to the placement of and access to
160 aerial and underground electric transmission lines having
161 certain specifications; defining the term "base-load
162 generating facilities"; amending s. 339.175, F.S.;

163 requiring each metropolitan planning organization to
164 develop a long-range transportation plan that, among other
165 considerations, provides for sustainable growth and
166 reduces greenhouse gas emissions; amending s. 366.82,
167 F.S.; requiring the Public Service Commission to adopt
168 rules requiring utilities to offset 20 percent of their
169 annual load-growth through energy efficiency and
170 conservation measures; requiring the commission to create
171 an in-state market for tradable credits enabling those
172 utilities that exceed the conservation standard to sell
173 credits to those that cannot meet the standard for a given
174 year; requiring that the commission conduct a periodic

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175 review; requiring the commission to require municipal and
176 cooperative utilities that are exempt from the Energy
177 Efficiency and Conservation Act to submit an annual report
178 identifying energy efficiency and conservation goals and
179 the actions taken to meet those goals; requiring that the
180 Florida Energy and Climate Commission be a party in the
181 proceedings to adopt goals and file with the Public
182 Service Commission comments on the proposed goals;
183 requiring the Public Service Commission to use certain
184 methodologies in the evaluation of demand-side management
185 programs; requiring the commission to establish a
186 renewable energy portfolio standard for utilities;
187 requiring certain utilities to submit an annual report
188 identifying the percentage of their electrical power
189 generated or purchased from renewable resources;
190 authorizing the commission to adopt rules; amending s.
191 366.8255, F.S.; redefining the term "environmental
192 compliance costs" to include costs or expenses prudently
193 incurred for scientific research and geological
194 assessments of carbon capture and storage for the purpose
195 of reducing an electric utility's greenhouse gas
196 emissions; amending s. 366.93, F.S.; revising the
197 definitions of "cost" and "preconstruction"; requiring the
198 Public Service Commission to establish rules relating to
199 cost recovery for the construction of new, expanded, or
200 relocated electrical transmission lines and facilities for
201 a nuclear power plant; amending s. 377.601, F.S.; revising
202 legislative intent with respect to the need to implement
203 alternative energy technologies; creating s. 377.6015,

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204 F.S.; creating the Florida Energy and Climate Commission;
205 providing for appointment and qualifications of members;
206 providing for meetings, duties, and authority of the
207 commission; amending s. 377.602, F.S.; providing a
208 definition; amending s. 377.605, F.S.; transferring duties
209 on energy data collection from the Department of
210 Environmental Protection to the Florida Energy and Climate
211 Commission; amending ss. 377.604, 377.605, and 377.606,
212 F.S.; making conforming changes; amending s. 377.703,
213 F.S.; providing for additional duties of the Florida
214 Energy and Climate Commission; conforming cross-
215 references; amending s. 377.803, F.S.; providing
216 definitions; providing the statutory reference to the
217 definition of the term "biomass"; amending s. 377.804,
218 F.S.; providing for administration of the Renewable Energy
219 and Energy-Efficient Technologies Grant Program by the
220 Florida Energy and Climate Commission rather than the
221 Department of Environmental Protection; providing for the
222 program to include matching grants for technologies that
223 increase the energy efficiency of vehicles and commercial
224 buildings; providing application requirements; repealing
225 s. 377.804(6), F.S., relating to bioenergy projects;
226 amending s. 377.806, F.S.; providing for administration of
227 the Solar Energy System Incentives Program by the Florida
228 Energy and Climate Commission rather than the Department
229 of Environmental Protection; requiring compliance with the
230 Florida Building Code rather than local codes in order to
231 be eligible for a rebate under the program; creating s.
232 377.808, F.S.; creating the Florida Green Government

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233 Grants Act; providing a short title; requiring the Florida
234 Energy and Climate Commission within the Executive Office
235 of the Governor to award grants to assist local
236 governments in the development of programs that achieve
237 green standards; requiring the commission to adopt rules;
238 providing requirements for the rules; limiting a certain
239 number of grant applications made by a local government;
240 limiting the number of active projects that may be
241 conducted by a local government; requiring the commission
242 to perform an overview of each grant; repealing s.
243 377.901, F.S., relating to the Florida Energy Commission;
244 transferring the State Energy Program from the Department
245 of Environmental Protection to the Florida Energy and
246 Climate Commission; creating s. 377.921, F.S., relating to
247 qualified solar energy systems; providing definitions;
248 allowing a public utility to recover certain costs;
249 amending ss. 380.23 and 403.031, F.S.; conforming cross-
250 references; creating s. 403.44, F.S.; creating the Florida
251 Climate Protection Act; defining terms; requiring the
252 Department of Environmental Protection to establish the
253 methodologies, reporting periods, and reporting systems
254 that must be used when major emitters report to The
255 Climate Registry; authorizing the department to adopt
256 rules for a cap-and-trade regulatory program to reduce
257 greenhouse gas emissions from major emitters; providing
258 for the content of the rule; amending s. 403.503, F.S.;
259 defining the term "alternate corridor" and redefining the
260 term "corridor" for purposes of the Florida Electrical
261 Power Plant Siting Act; amending s. 403.504, F.S.;

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262 requiring the Department of Environmental Protection to
263 determine whether a proposed alternate corridor is
264 acceptable; amending s. 403.506, F.S.; revising the
265 thresholds and applicability standards of the Florida
266 Electrical Power Plant Siting Act; deleting a provision
267 that exempts from the act a steam generating plant;
268 exempting from the act the associated facilities of an
269 electrical power plant; exempting an electric utility from
270 obtaining certification under the Florida Electrical Power
271 Plant Siting Act before constructing facilities for a
272 power plant using nuclear materials as fuel; providing
273 that a utility may obtain separate licenses, permits, and
274 approvals for such construction under certain
275 circumstances; exempting such provisions from review under
276 ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
277 applicant to submit a statement to the department if such
278 applicant opts for consideration of alternate corridors;
279 amending s. 403.50665, F.S.; requiring an application to
280 include a statement on the consistency of directly
281 associated facilities constituting a "development";
282 requiring the Department of Environmental Protection to
283 address at the certification hearing the issue of
284 compliance with land use plans and zoning ordinances for a
285 proposed substation located in or along an alternate
286 corridor; amending s. 403.509, F.S.; requiring the
287 Governor and Cabinet sitting as the siting board to
288 certify the corridor having the least adverse impact;
289 authorizing the board to deny certification or allow a
290 party to amend its proposal; amending s. 403.5115, F.S.;

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291 requiring the applicant proposing the alternate corridor
292 to publish all notices relating to the application;
293 requiring that such notices comply with certain
294 requirements; requiring that notices be published at least
295 45 days before the rescheduled certification hearing;
296 amending s. 403.5175, F.S.; conforming a cross-reference;
297 amending s. 403.518, F.S.; authorizing the Department of
298 Environmental Protection to charge an application fee for
299 an alternate corridor; amending s. 403.519, F.S., relating
300 to determinations of need; conforming provisions to
301 changes made by the act; creating s. 403.7055, F.S.;
302 encouraging counties in the state to form regional
303 solutions to the capture and reuse or sale of methane gas
304 from landfills and wastewater treatment facilities;
305 requiring the Department of Environmental Protection to
306 provide guidelines and assistance; amending s. 403.814,
307 F.S., relating to general permits; conforming provisions;
308 amending s. 489.145, F.S.; revising provisions of the
309 Guaranteed Energy Performance Savings Contracting Act;
310 renaming the act as the "Guaranteed Energy, Water, and
311 Wastewater Performance Savings Contracting Act"; requiring
312 that each proposed contract or lease contain certain
313 agreements concerning operational cost-saving measures;
314 redefining terms; defining the term "investment grade
315 energy audit"; requiring that certain baseline
316 information, supporting information, and documentation be
317 included in contracts; requiring the office of the Chief
318 Financial Officer to review contract proposals; providing
319 audit requirements; requiring contract approval by the

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320 Legislature or Chief Financial Officer; creating s.
321 526.203, F.S.; providing definitions; requiring that on or
322 after a specified date all gasoline sold in the state
323 contain a specified percent of agriculturally derived
324 denatured ethanol; providing for exemptions; creating s.
325 526.204, F.S.; providing for the requirements to be
326 suspended during a declared emergency; providing an
327 exemption if a supplier or other distributor is unable to
328 obtain the required fuel at the same or lower price than
329 the price of unblended gasoline; requiring that
330 documentation be provided to the Department of Revenue;
331 creating s. 526.205, F.S.; providing for enforcement of
332 the requirement for gasoline content; providing penalties;
333 providing for the Department of Revenue to grant an
334 extension of time to comply with the requirement; creating
335 s. 526.206, F.S.; authorizing the Department of Revenue
336 and the Department of Agriculture and Consumer Services to
337 adopt rules; requiring the Florida Energy Commission to
338 conduct a study of the lifecycle greenhouse gas emissions
339 associated with all renewable fuels; requiring a report to
340 the Legislature by a specified date; amending s. 553.77,
341 F.S.; authorizing the Florida Building Commission to
342 implement recommendations relating to energy efficiency in
343 residential and commercial buildings; creating s. 553.886,
344 F.S.; requiring that the Florida Building Code facilitate
345 and promote the use of certain renewable energy
346 technologies in buildings; creating s. 553.9061, F.S.;
347 requiring the Florida Building Commission to establish a
348 schedule of increases in the energy performance of

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349 buildings subject to the Energy Efficiency Code for
350 Building Construction; providing a process for
351 implementing goals to increase energy-efficiency
352 performance in new buildings; providing a schedule for the
353 implementation of such goals; identifying energy-
354 efficiency performance options and elements available to
355 meet energy-efficiency performance requirements; providing
356 a schedule for the review and adoption of renewable
357 energy-efficiency goals by the commission; requiring the
358 commission to conduct a study to evaluate the energy-
359 efficiency rating of new buildings and appliances;
360 requiring the commission to submit a report to the
361 President of the Senate and the Speaker of the House of
362 Representatives on or before a specified date; requiring
363 the commission to conduct a study to evaluate
364 opportunities to restructure the Florida Energy Code for
365 Building Construction, including the integration of the
366 Thermal Efficiency Code, the Energy Conservation Standards
367 Act, and the Florida Building Energy-Efficiency Rating
368 Act; requiring the commission to submit a report to the
369 President of the Senate and the Speaker of the House of
370 Representatives on or before a specified date; directing
371 the Department of Community Affairs, in conjunction with
372 the Florida Energy Affordability Council, to identify and
373 review issues relating to the Low-Income Home Energy
374 Assistance Program and the Weatherization Assistance
375 Program; requiring the submission of a report to the
376 President of the Senate and the Speaker of the House of
377 Representatives on or before a specified date; providing

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378 for the expiration of certain study requirements; amending
379 s. 553.957, F.S.; including certain home and commercial
380 appliances in the requirements for testing and
381 certification for meeting certain energy-conservation
382 standards; amending s. 553.975, F.S.; conforming a cross-
383 reference; requiring the Public Service Commission to
384 analyze utility revenue decoupling and provide a report
385 and recommendations to the Governor, the President of the
386 Senate, and the Speaker of the House of Representatives by
387 a specified date; amending s. 718.113, F.S.; authorizing
388 the board of a condominium or a multicondominium to
389 install solar collectors, clotheslines, or other energy-
390 efficient devices on association property; creating s.
391 1004.648, F.S.; establishing the Florida Energy Systems
392 Consortium, consisting of specified state universities;
393 providing membership and duties of the consortium;
394 providing for an oversight board and steering committee;
395 providing reporting requirements for the consortium by a
396 date certain; authorizing the Department of Environmental
397 Protection to require certain agreements to contain a
398 stipulation requiring the return to the state of a portion
399 of the profit resulting from commercialization of an
400 energy-related product or process; requiring the
401 department to conduct a study relating to the state
402 earning a monetary return on energy-related products or
403 processes through the use of negotiated or licensing
404 agreements; requiring the department to submit the study
405 to the Governor and the Legislature; requiring the
406 Department of Environmental Protection, in conjunction

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407 with the Department of Agriculture and Consumer Services,
408 to conduct an economic impact analysis on the effect of
409 granting financial incentives to energy producers who use
410 woody biomass; requiring the department to submit the
411 results to the Legislature; establishing a statewide solid
412 waste reduction goal by a certain date; requiring the
413 Department of Environmental Protection to develop a
414 recycling program designed to meet that goal; requiring
415 the Department of Environmental Protection to prepare a
416 report relating to the costs and benefits of implementing
417 a cap-and-trade system to trade emission credits;
418 requiring the department to present the report to the
419 Governor, the President of the Senate, and the Speaker of
420 the House of Representatives; describing certain specified
421 issues to be included in the report; providing effective
422 dates.

423
424 Be It Enacted by the Legislature of the State of Florida:

425
426 Section 1. Present subsection (3) of section 74.051,
427 Florida Statutes, is renumbered as subsection (4), and a new
428 subsection (3) is added to that section, to read:

429 74.051 Hearing on order of taking.--

430 (3) If a defendant requests a hearing and the petitioner is
431 an electric utility that is seeking to appropriate property
432 necessary for an electric generation plant, an associated
433 facility of such plant, an electric substation, or a power line,
434 the court shall conduct the hearing no more than 120 days after
435 the petition is filed. The court shall issue its final judgment

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436 no more than 30 days after the hearing.

437 Section 2. Section 112.219, Florida Statutes, is created to
438 read:

439 112.219 Public employee telecommuting programs.--

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

441 (a) "Public employing entity" or "entity" means any state
442 government administrative unit listed in chapter 20 or the State
443 Constitution, including water management districts, the Senate,
444 the House of Representatives, the state courts system, the State
445 University System, the Community College System, or any other
446 agency, commission, council, office, board, authority,
447 department, or official of state government.

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

453 (c) "Qualified telecommuting employee" means an employee
454 who is selected for the telecommuting program, based on the
455 requirements of his or her employment position and his or her
456 ability to perform assigned work at an offsite location, and who
457 meets the following criteria:

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

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

463 3. The employee is not under a performance-improvement plan
464 or disciplinary action that indicates a need for close

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465 supervision of his or her assigned work.

466 (d) "Telecommuting schedule" means the work schedule of a
467 qualified telecommuting employee indicating the days each week,
468 or weeks each month, that the employee will be telecommuting and
469 those days or weeks that the employee will be at the onsite work
470 location. The schedule must be composed in such a way that the
471 employee's work location for any given day is readily
472 ascertainable. Occasional variations from the schedule are
473 acceptable based on the needs of the entity and the ability of
474 the employee to accomplish assigned state business.

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

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

481 (2) Each public employing entity shall:

482 (a) Establish and coordinate the public employee
483 telecommuting program and administer this section for its own
484 employees.

485 (b) Appoint an organization-wide telecommuting coordinator
486 to promote telecommuting and provide technical assistance within
487 the entity.

488 (c) Identify employees who are participating in the
489 telecommuting program and their job classifications through its
490 respective personnel or payroll information management system.

491 (3) By September 30, 2009, each employing public entity
492 shall complete a telecommuting plan that includes a current
493 listing of the job classifications and positions that the entity

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494 considers appropriate for telecommuting. The proposed
495 telecommuting plan must give equal consideration to civil service
496 and exempt positions in the selection of employees to participate
497 in the telecommuting program. The telecommuting plan must also:

498 (a) Provide measurable financial benefits associated with
499 reduced requirements for office space, reductions in energy
500 consumption, and reductions in associated emissions of greenhouse
501 gases resulting from telecommuting. Employing public entities
502 operating in office space that is owned or managed by the
503 Department of Management Services shall consult the facilities
504 program in order to ensure its consistency with the strategic
505 leasing plan required under s. 255.249(3) (b).

506 (b) Provide that an employee's participation in a
507 telecommuting program will not adversely affect his or her
508 eligibility for advancement or any other employment rights or
509 benefits.

510 (c) Provide that participation by an employee in a
511 telecommuting program is voluntary, and that the employee may
512 elect to cease to participate in the telecommuting program at any
513 time.

514 (d) Allow for the termination of an employee's
515 participation in the program if the employee's continued
516 participation would not be in the best interests of the public
517 employing entity.

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

520 (f) Ensure that employees participating in the program are
521 subject to the same rules regarding attendance, leave,
522 performance reviews, and separation action as are other

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523 employees.

524 (g) Establish the reasonable conditions that the public
525 employing entity will impose in order to ensure the appropriate
526 use and maintenance of any equipment or items provided for use at
527 a qualified telecommuting employee's telecommuting site,
528 including the installation and maintenance of any telephone
529 equipment and ongoing communications services at the
530 telecommuting site which must be used only for official purposes.

531 (h) Prohibit public maintenance of an employee's personal
532 equipment used in telecommuting, including any liability for
533 personal equipment and costs for personal utility expenses
534 associated with telecommuting.

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

537 (j) Provide that qualified telecommuting employees are
538 covered by workers' compensation under chapter 440 when
539 performing official duties at an alternate worksite, such as the
540 home.

541 (k) Prohibit employees engaged in a telecommuting program
542 from conducting face-to-face state business at the telecommuting
543 site.

544 (l) Require a written agreement specifying the terms and
545 conditions of telecommuting, including verification by the
546 employee that the telecommuting site provides work space that is
547 free of safety and fire hazards, together with an agreement that
548 holds the state harmless against all claims, excluding workers'
549 compensation claims, resulting from an employee working in the
550 telecommuting site. The agreement must be signed and agreed to by
551 the qualified telecommuting employee and the supervisor.

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

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

557 163.04 Energy devices based on renewable resources.--

558 (2) A deed restriction, covenant, declaration, or similar
559 binding agreement may not ~~No deed restrictions, covenants, or~~
560 ~~similar binding agreements running with the land shall prohibit~~
561 ~~or have the effect of prohibiting solar collectors, clotheslines,~~
562 ~~or other energy devices based on renewable resources from being~~
563 ~~installed on buildings erected on the lots or parcels covered by~~
564 ~~the deed restriction, covenant, declaration, or binding agreement~~
565 ~~restrictions, covenants, or binding agreements.~~ A property owner
566 may not be denied permission to install solar collectors or other
567 energy devices ~~based on renewable resources~~ by any entity granted
568 the power or right in any deed restriction, covenant,
569 declaration, or similar binding agreement to approve, forbid,
570 control, or direct alteration of property with respect to
571 residential dwellings and within the boundaries of a condominium
572 unit. not exceeding three stories in height. For purposes of this
573 ~~subsection,~~ Such entity may determine the specific location where
574 solar collectors may be installed on the roof within an
575 orientation to the south or within 45° east or west of due south
576 ~~if provided that~~ such determination does not impair the effective
577 operation of the solar collectors.

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

580 163.3177 Required and optional elements of comprehensive

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581 | plan; studies and surveys.--

582 | (6) In addition to the requirements of subsections (1)-(5)
583 | and (12), the comprehensive plan shall include the following
584 | elements:

585 | (a) A future land use plan element designating proposed
586 | future general distribution, location, and extent of the uses of
587 | land for residential uses, commercial uses, industry,
588 | agriculture, recreation, conservation, education, public
589 | buildings and grounds, other public facilities, and other
590 | categories of the public and private uses of land. Counties are
591 | encouraged to designate rural land stewardship areas, pursuant to
592 | ~~the provisions of~~ paragraph (11) (d), as overlays on the future
593 | land use map. Each future land use category must be defined in
594 | terms of uses included, and must include standards for ~~to be~~
595 | ~~followed in~~ the control and distribution of population densities
596 | and building and structure intensities. The proposed
597 | distribution, location, and extent of the various categories of
598 | land use shall be shown on a land use map or map series which
599 | shall be supplemented by goals, policies, and measurable
600 | objectives. The future land use plan shall be based upon surveys,
601 | studies, and data regarding the area, including the amount of
602 | land required to accommodate anticipated growth; the projected
603 | population of the area; the character of undeveloped land; the
604 | availability of water supplies, public facilities, and services;
605 | the need for redevelopment, including the renewal of blighted
606 | areas and the elimination of nonconforming uses which are
607 | inconsistent with the character of the community; the
608 | compatibility of uses on lands adjacent to or closely proximate
609 | to military installations; the discouragement of urban sprawl;

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610 energy-efficient land use patterns; and, in rural communities,
611 the need for job creation, capital investment, and economic
612 development that will strengthen and diversify the community's
613 economy. The future land use plan may designate areas for future
614 planned development ~~use~~ involving combinations of types of uses
615 for which special regulations may be necessary to ensure
616 development in accord with the principles and standards of the
617 comprehensive plan and this act. The future land use plan element
618 shall include criteria to be used to achieve the compatibility of
619 adjacent or closely proximate lands with military installations.
620 In addition, for rural communities, the amount of land designated
621 for future planned industrial use shall be based upon surveys and
622 studies that reflect the need for job creation, capital
623 investment, and the necessity to strengthen and diversify the
624 local economies, and may ~~shall~~ not be limited solely by the
625 projected population of the rural community. The future land use
626 plan of a county may also designate areas for possible future
627 municipal incorporation. The land use maps or map series shall
628 generally identify and depict historic district boundaries and
629 ~~shall~~ designate historically significant properties meriting
630 protection. For coastal counties, the future land use element
631 must include, without limitation, regulatory incentives and
632 criteria that encourage the preservation of recreational and
633 commercial working waterfronts as defined in s. 342.07. The
634 future land use element must clearly identify the land use
635 categories in which public schools are an allowable use. When
636 delineating the land use categories in which public schools are
637 an allowable use, a local government shall include in the
638 categories sufficient land proximate to residential development

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639 | to meet the projected needs for schools in coordination with
640 | public school boards and may establish differing criteria for
641 | schools of different type or size. Each local government shall
642 | include lands contiguous to existing school sites, to the maximum
643 | extent possible, within the land use categories in which public
644 | schools are an allowable use. The failure by a local government
645 | to comply with these school siting requirements will result in
646 | the prohibition of the local government's ability to amend the
647 | local comprehensive plan, except for plan amendments described in
648 | s. 163.3187(1)(b), until the school siting requirements are met.
649 | Amendments proposed by a local government for purposes of
650 | identifying the land use categories in which public schools are
651 | an allowable use are exempt from the limitation on the frequency
652 | of plan amendments provided ~~contained~~ in s. 163.3187. The future
653 | land use element shall include criteria that encourage the
654 | location of schools proximate to urban residential areas to the
655 | extent possible and shall require that the local government seek
656 | to collocate public facilities, such as parks, libraries, and
657 | community centers, with schools to the extent possible and to
658 | encourage the use of elementary schools as focal points for
659 | neighborhoods. For schools serving predominantly rural counties,
660 | defined as a county with a population of 100,000 or fewer, an
661 | agricultural land use category is ~~shall be~~ eligible for the
662 | location of public school facilities if the local comprehensive
663 | plan contains school siting criteria and the location is
664 | consistent with such criteria. Local governments required to
665 | update or amend their comprehensive plan to include criteria and
666 | address compatibility of adjacent or closely proximate lands with
667 | existing military installations in their future land use plan

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668 element shall transmit the update or amendment to the department
669 by June 30, 2006.

670 (b) A traffic circulation element consisting of the types,
671 locations, and extent of existing and proposed major
672 thoroughfares and transportation routes, including bicycle and
673 pedestrian ways. Transportation corridors, as defined in s.
674 334.03, may be designated in the traffic circulation element
675 pursuant to s. 337.273. If the transportation corridors are
676 designated, the local government may adopt a transportation
677 corridor management ordinance. The traffic circulation element
678 shall incorporate transportation strategies to address reduction
679 in greenhouse gas emissions from the transportation sector.

680 (j) For each unit of local government within an urbanized
681 area designated for purposes of s. 339.175, a transportation
682 element, which shall be prepared and adopted in lieu of the
683 requirements of paragraph (b) and paragraphs (7) (a), (b), (c),
684 and (d) and which shall address the following issues:

685 1. Traffic circulation, including major thoroughfares and
686 other routes, including bicycle and pedestrian ways.

687 2. All alternative modes of travel, such as public
688 transportation, pedestrian, and bicycle travel.

689 3. Parking facilities.

690 4. Aviation, rail, seaport facilities, access to those
691 facilities, and intermodal terminals.

692 5. The availability of facilities and services to serve
693 existing land uses and the compatibility between future land use
694 and transportation elements.

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

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697 7. Airports, projected airport and aviation development,
698 and land use compatibility around airports.

699 8. An identification of land use densities, building
700 intensities, and transportation management programs to promote
701 public transportation systems in designated public transportation
702 corridors so as to encourage population densities sufficient to
703 support such systems.

704 9. May include transportation corridors, as defined in s.
705 334.03, intended for future transportation facilities designated
706 pursuant to s. 337.273. If transportation corridors are
707 designated, the local government may adopt a transportation
708 corridor management ordinance.

709 10. The incorporation of transportation strategies to
710 address reduction in greenhouse gas emissions from the
711 transportation sector.

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

714 186.007 State comprehensive plan; preparation; revision.--

715 (3) In the state comprehensive plan, the Executive Office
716 of the Governor may include goals, objectives, and policies
717 related to the following program areas: economic opportunities;
718 agriculture; employment; public safety; education; energy; global
719 climate change; health concerns; social welfare concerns; housing
720 and community development; natural resources and environmental
721 management; recreational and cultural opportunities; historic
722 preservation; transportation; and governmental direction and
723 support services.

724 Section 6. Subsections (10), (11), and (15) of section
725 187.201, Florida Statutes, are amended to read:

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726 187.201 State Comprehensive Plan adopted.--The Legislature
727 hereby adopts as the State Comprehensive Plan the following
728 specific goals and policies:

729 (10) AIR QUALITY.--

730 (a) Goal.--Florida shall comply with all national air
731 quality standards by 1987, and by 1992 meet standards which are
732 more stringent than 1985 state standards.

733 (b) Policies.--

734 1. Improve air quality and maintain the improved level to
735 safeguard human health and prevent damage to the natural
736 environment.

737 2. Ensure that developments and transportation systems are
738 consistent with the maintenance of optimum air quality.

739 3. Reduce sulfur dioxide and nitrogen oxide emissions and
740 mitigate their effects on the natural and human environment.

741 4. Encourage the use of alternative energy resources that
742 do not degrade air quality.

743 5. Ensure, at a minimum, that power plant fuel conversion
744 does not result in higher levels of air pollution.

745 6. Encourage the development of low-carbon-emitting
746 electric power plants.

747 (11) ENERGY.--

748 (a) Goal.--Florida shall reduce its energy requirements
749 through enhanced conservation and efficiency measures in all end-
750 use sectors, and shall reduce atmospheric carbon dioxide by while
751 at the same time promoting an increased use of renewable energy
752 resources and low-carbon-emitting electric power plants.

753 (b) Policies.--

754 1. Continue to reduce per capita energy consumption.

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755 2. Encourage and provide incentives for consumer and
756 producer energy conservation and establish acceptable energy
757 performance standards for buildings and energy consuming items.

758 3. Improve the efficiency of traffic flow on existing
759 roads.

760 4. Ensure energy efficiency in transportation design and
761 planning and increase the availability of more efficient modes of
762 transportation.

763 5. Reduce the need for new power plants by encouraging end-
764 use efficiency, reducing peak demand, and using cost-effective
765 alternatives.

766 6. Increase the efficient use of energy in design and
767 operation of buildings, public utility systems, and other
768 infrastructure and related equipment.

769 7. Promote the development and application of solar energy
770 technologies and passive solar design techniques.

771 8. Provide information on energy conservation through
772 active media campaigns.

773 9. Promote the use and development of renewable energy
774 resources and low-carbon-emitting electric power plants.

775 10. Develop and maintain energy preparedness plans that
776 will be both practical and effective under circumstances of
777 disrupted energy supplies or unexpected price surges.

778 (15) LAND USE.--

779 (a) Goal.--In recognition of the importance of preserving
780 the natural resources and enhancing the quality of life of the
781 state, development shall be directed to those areas which have in
782 place, or have agreements to provide, the land and water
783 resources, fiscal abilities, and service capacity to accommodate

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784 growth in an environmentally acceptable manner.

785 (b) Policies.--

786 1. Promote state programs, investments, and development and
787 redevelopment activities which encourage efficient development
788 and occur in areas which will have the capacity to service new
789 population and commerce.

790 2. Develop a system of incentives and disincentives which
791 encourages a separation of urban and rural land uses while
792 protecting water supplies, resource development, and fish and
793 wildlife habitats.

794 3. Enhance the livability and character of urban areas
795 through the encouragement of an attractive and functional mix of
796 living, working, shopping, and recreational activities.

797 4. Develop a system of intergovernmental negotiation for
798 siting locally unpopular public and private land uses which
799 considers the area of population served, the impact on land
800 development patterns or important natural resources, and the
801 cost-effectiveness of service delivery.

802 5. Encourage and assist local governments in establishing
803 comprehensive impact-review procedures to evaluate the effects of
804 significant development activities in their jurisdictions.

805 6. Consider, in land use planning and regulation, the
806 impact of land use on water quality and quantity; the
807 availability of land, water, and other natural resources to meet
808 demands; and the potential for flooding.

809 7. Provide educational programs and research to meet state,
810 regional, and local planning and growth-management needs.

811 8. Provide for the siting of low-carbon-emitting electric
812 power plants, including nuclear power plants, to meet the

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813 state's determined need for electric power generation.

814 Section 7. Section 193.804, Florida Statutes, is created to
815 read:

816 193.804 Assessment of solar energy devices.--

817 (1) If a taxpayer adds any solar energy device to his or
818 her homestead, the value of the solar energy device shall not be
819 added to the assessed value of the property for purposes of
820 property taxes. A taxpayer claiming the right to a solar energy
821 device assessment for ad valorem taxes shall so state in a return
822 filed as provided by law giving a brief description of the
823 device. The property appraiser may require the taxpayer to
824 produce such additional evidence as may be necessary to prove the
825 taxpayer's right to have the property subject to a solar energy
826 device assessment.

827 (2) If a property appraiser questions whether a taxpayer is
828 entitled, in whole or in part, to a solar energy device
829 assessment under this section, he or she may refer the matter to
830 the Department of Environmental Protection for a recommendation.
831 If the property appraiser refers the matter, he or she shall
832 notify the taxpayer of such action. The Department of
833 Environmental Protection shall immediately consider whether the
834 taxpayer is entitled to the solar energy device assessment and
835 certify its recommendation to the property appraiser.

836 (3) The Department of Environmental Protection shall adopt
837 rules to administer the solar energy device assessment provisions
838 of this section.

839 Section 8. Subsection (14) of section 196.012, Florida
840 Statutes, is amended to read:

841 196.012 Definitions.--For the purpose of this chapter, the

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842 following terms are defined as follows, except where the context
843 clearly indicates otherwise:

844 (14) "Renewable energy source device" or "device" means any
845 of the following equipment which, when installed in connection
846 with a dwelling unit or other structure, collects, transmits,
847 stores, or uses solar energy, wind energy, or energy derived from
848 geothermal deposits:

849 (a) Solar energy collectors.

850 (b) Storage tanks and other storage systems, excluding
851 swimming pools used as storage tanks.

852 (c) Rockbeds.

853 (d) Thermostats and other control devices.

854 (e) Heat exchange devices.

855 (f) Pumps and fans.

856 (g) Roof ponds.

857 (h) Freestanding thermal containers.

858 (i) Pipes, ducts, refrigerant handling systems, and other
859 equipment used to interconnect such systems; however,
860 conventional backup systems of any type are not included in this
861 definition.

862 (j) Windmills.

863 (k) Wind-driven generators.

864 (l) Power conditioning and storage devices that use wind
865 energy to generate electricity or mechanical forms of energy.

866 (m) Pipes and other equipment used to transmit hot
867 geothermal water to a dwelling or structure from a geothermal
868 deposit.

869
870 ~~"Renewable energy source device" or "device" also means any heat~~

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871 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
872 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
873 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
874 ~~water heating system the primary heat source of which is a~~
875 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
876 ~~pump heating, ventilating, and air-conditioning system, provided~~
877 ~~such device is installed in a structure substantially complete~~
878 ~~before January 1, 1985, and whether or not solar energy, wind~~
879 ~~energy, or energy derived from geothermal deposits is collected,~~
880 ~~transmitted, stored, or used by such device.~~

881 Section 9. Subsection (2) of section 206.43, Florida
882 Statutes, is amended to read:

883 206.43 Terminal supplier, importer, exporter, blender, and
884 wholesaler to report to department monthly; deduction.--The taxes
885 levied and assessed as provided in this part shall be paid to the
886 department monthly in the following manner:

887 (2) (a) Such report may show in detail the number of gallons
888 so sold and delivered by the terminal supplier, importer,
889 exporter, blender, or wholesaler in the state, and the
890 destination as to the county in the state to which the motor fuel
891 was delivered for resale at retail or use shall be specified in
892 the report. The total taxable gallons sold shall agree with the
893 total gallons reported to the county destinations for resale at
894 retail or use. All gallons of motor fuel sold shall be invoiced
895 and shall name the county of destination for resale at retail or
896 use.

897 (b) Each terminal supplier, importer, exporter, blender,
898 and wholesaler shall also include in the report to the department
899 the number of gallons of gasoline fuel meeting and not meeting

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900 | the requirements of s. 526.203.

901 | Section 10. Paragraph (ccc) of subsection (7) of section
902 | 212.08, Florida Statutes, is amended to read:

903 | 212.08 Sales, rental, use, consumption, distribution, and
904 | storage tax; specified exemptions.--The sale at retail, the
905 | rental, the use, the consumption, the distribution, and the
906 | storage to be used or consumed in this state of the following are
907 | hereby specifically exempt from the tax imposed by this chapter.

908 | (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
909 | entity by this chapter do not inure to any transaction that is
910 | otherwise taxable under this chapter when payment is made by a
911 | representative or employee of the entity by any means, including,
912 | but not limited to, cash, check, or credit card, even when that
913 | representative or employee is subsequently reimbursed by the
914 | entity. In addition, exemptions provided to any entity by this
915 | subsection do not inure to any transaction that is otherwise
916 | taxable under this chapter unless the entity has obtained a sales
917 | tax exemption certificate from the department or the entity
918 | obtains or provides other documentation as required by the
919 | department. Eligible purchases or leases made with such a
920 | certificate must be in strict compliance with this subsection and
921 | departmental rules, and any person who makes an exempt purchase
922 | with a certificate that is not in strict compliance with this
923 | subsection and the rules is liable for and shall pay the tax. The
924 | department may adopt rules to administer this subsection.

925 | (ccc) Equipment, machinery, and other materials for
926 | renewable energy technologies.--

927 | 1. As used in this paragraph, the term:

928 | a. "Biodiesel" means the mono-alkyl esters of long-chain

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929 fatty acids derived from plant or animal matter for use as a
930 source of energy and meeting the specifications for biodiesel and
931 biodiesel blends with petroleum products as adopted by the
932 Department of Agriculture and Consumer Services. Biodiesel may
933 refer to biodiesel blends designated BXX, where XX represents the
934 volume percentage of biodiesel fuel in the blend.

935 b. "Ethanol" means an ~~nominally~~ anhydrous denatured alcohol
936 produced by the conversion of carbohydrates ~~fermentation of plant~~
937 ~~sugars~~ meeting the specifications for fuel ethanol and fuel
938 ethanol blends with petroleum products as adopted by the
939 Department of Agriculture and Consumer Services. Ethanol may
940 refer to fuel ethanol blends designated EXX, where XX represents
941 the volume percentage of fuel ethanol in the blend.

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

945 d. "Wind energy" or "wind turbines" means rotary mechanical
946 equipment that uses wind to produce at least 10kW of electrical
947 energy.

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

950 a. Hydrogen-powered vehicles, materials incorporated into
951 hydrogen-powered vehicles, and hydrogen-fueling stations, up to a
952 limit of \$2 million in tax each state fiscal year for all
953 taxpayers.

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

956 c. Materials used in the distribution of biodiesel (B10-
957 B100) and ethanol (E10-E100), including fueling infrastructure,

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958 transportation, and storage, up to a limit of \$1 million in tax
959 each state fiscal year for all taxpayers. Gasoline fueling
960 station pump retrofits for ethanol (E10-E100) distribution
961 qualify for the exemption provided in this sub-subparagraph.

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

964 3. The Florida Energy and Climate Commission ~~Department of~~
965 ~~Environmental Protection~~ shall provide to the department a list
966 of items eligible for the exemption provided in this paragraph.

967 4.a. The exemption provided in this paragraph shall be
968 available to a purchaser only through a refund of previously paid
969 taxes. Only the initial purchase of an eligible item from the
970 manufacturer is subject to refund. A purchaser who has received a
971 refund on an eligible item must notify any subsequent purchaser
972 of the item that the item is no longer eligible for a refund of
973 tax paid. This notification must be provided to the subsequent
974 purchaser on the sales invoice or other proof of purchase.

975 b. To be eligible to receive the exemption provided in this
976 paragraph, a purchaser shall file an application with the
977 commission ~~Department of Environmental Protection~~. The
978 application shall be developed by the commission ~~Department of~~
979 ~~Environmental Protection~~, in consultation with the department,
980 and shall require:

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

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

985 (III) The sales invoice or other proof of purchase showing
986 the amount of sales tax paid, the date of purchase, and the name

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987 and address of the sales tax dealer from whom the property was
988 purchased.

989 (IV) A sworn statement that the information provided is
990 accurate and that the requirements of this paragraph have been
991 met.

992 c. Within 30 days after receipt of an application, the
993 commission ~~Department of Environmental Protection~~ shall review
994 the application and shall notify the applicant of any
995 deficiencies. Upon receipt of a completed application, the
996 commission ~~Department of Environmental Protection~~ shall evaluate
997 the application for exemption and issue a written certification
998 that the applicant is eligible for a refund or issue a written
999 denial of such certification within 60 days after receipt of the
1000 application. The commission ~~Department of Environmental~~
1001 ~~Protection~~ shall provide the department with a copy of each
1002 certification issued upon approval of an application.

1003 d. Each certified applicant shall be responsible for
1004 forwarding a certified copy of the application and copies of all
1005 required documentation to the department within 6 months after
1006 certification by the commission ~~Department of Environmental~~
1007 ~~Protection~~.

1008 e. ~~The provisions of s. 212.095 do not apply to any refund~~
1009 ~~application made pursuant to this paragraph.~~ A refund approved
1010 pursuant to this paragraph shall be made within 30 days after
1011 formal approval by the department.

1012 f. The commission may adopt the form for the application
1013 for a certificate, requirements for the content and format of
1014 information submitted to the commission in support of the
1015 application, other procedural requirements, and criteria by which

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1016 the application will be determined by rule. The department may
1017 adopt all other rules pursuant to ss. 120.536(1) and 120.54 to
1018 administer this paragraph, including rules establishing
1019 additional forms and procedures for claiming this exemption.

1020 g. The commission ~~Department of Environmental Protection~~
1021 shall be responsible for ensuring that the total amounts of the
1022 exemptions authorized do not exceed the limits as specified in
1023 subparagraph 2.

1024 5. The commission ~~Department of Environmental Protection~~
1025 shall determine and publish on a regular basis the amount of
1026 sales tax funds remaining in each fiscal year.

1027 6. This paragraph expires July 1, 2010, except as it
1028 relates to wind turbines. The provisions of this paragraph
1029 relating to wind turbines expire July 1, 2012.

1030 Section 11. Subsection (1) of section 220.192, Florida
1031 Statutes, is amended, present subsection (6) of that section is
1032 renumbered as subsection (7) and amended, present subsection (7)
1033 of that section is renumbered as subsection (8), and a new
1034 subsection (6) is added to that section, to read:

1035 220.192 Renewable energy technologies investment tax
1036 credit.--

1037 (1) DEFINITIONS.--For purposes of this section, the term:

1038 (a) "Biodiesel" means biodiesel as defined in s.
1039 212.08(7)(ccc).

1040 (b) "Corporation" includes a general partnership, limited
1041 partnership, limited liability company, unincorporated business,
1042 or other business entity, including entities taxed as
1043 partnerships for federal income tax purposes.

1044 (c) ~~(b)~~ "Eligible costs" means:

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1045 1. Seventy-five percent of all capital costs, operation and
1046 maintenance costs, and research and development costs incurred
1047 between July 1, 2006, and June 30, 2010, up to a limit of \$3
1048 million per state fiscal year for all taxpayers, in connection
1049 with an investment in hydrogen-powered vehicles and hydrogen
1050 vehicle fueling stations in the state, including, but not limited
1051 to, the costs of constructing, installing, and equipping such
1052 technologies in the state.

1053 2. Seventy-five percent of all capital costs, operation and
1054 maintenance costs, and research and development costs incurred
1055 between July 1, 2006, and June 30, 2010, up to a limit of \$1.5
1056 million per state fiscal year for all taxpayers, and limited to a
1057 maximum of \$12,000 per fuel cell, in connection with an
1058 investment in commercial stationary hydrogen fuel cells in the
1059 state, including, but not limited to, the costs of constructing,
1060 installing, and equipping such technologies in the state.

1061 3. Seventy-five percent of all capital costs, operation and
1062 maintenance costs, and research and development costs incurred
1063 between July 1, 2006, and June 30, 2010, up to a limit of \$14
1064 ~~\$6.5~~ million per state fiscal year for all taxpayers, in
1065 connection with an investment in the production, storage, and
1066 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
1067 the state, including the costs of constructing, installing, and
1068 equipping such technologies in the state. Gasoline fueling
1069 station pump retrofits for ethanol (E10-E100) distribution
1070 qualify as an eligible cost under this subparagraph.

1071 4. Seventy-five percent of all capital costs, operation and
1072 maintenance costs, and research and development costs incurred
1073 between July 1, 2008, and June 30, 2012, up to a limit of \$9

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1074 million per state fiscal year for all taxpayers, in connection
1075 with an investment in the production of wind energy.

1076 (d) ~~(e)~~ "Ethanol" means ethanol as defined in s.
1077 212.08(7)(ccc).

1078 (e) ~~(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
1079 defined in s. 212.08(7)(ccc).

1080 (f) "Wind energy" or "wind turbines" has the same meaning
1081 as in s. 212.08(7)(ccc).

1082 (g) "Taxpayer" includes corporations as defined in ss.
1083 220.03 or 220.192.

1084 (6) TRANSFERABILITY OF CREDIT.--

1085 (a) For tax years beginning on or after January 1, 2009,
1086 any corporation or subsequent transferee allowed a tax credit
1087 under this section may transfer the credit, in whole or in part,
1088 to any taxpayer by written agreement without transferring any
1089 ownership interest in the property generating the credit or any
1090 interest in the entity owning such property. The transferee is
1091 entitled to apply the credits against the tax with the same
1092 effect as if the transferee had incurred the eligible costs.

1093 (b) To perfect the transfer, the transferor shall provide
1094 the department with a written transfer statement notifying the
1095 department of the transferor's intent to transfer the tax credits
1096 to the transferee; the date the transfer is effective; the
1097 transferee's name, address, and federal taxpayer identification
1098 number; the tax period; and the amount of tax credits to be
1099 transferred. The department shall, upon receipt of a transfer
1100 statement conforming to the requirements of this paragraph,
1101 provide the transferee with a certificate reflecting the tax
1102 credit amounts transferred. A copy of the certificate must be

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1103 attached to each tax return for which the transferee seeks to
1104 apply such tax credits.

1105 (c) A tax credit authorized under this section which is
1106 held by a corporation and not transferred under this subsection
1107 shall be passed through to the taxpayers designated as partners,
1108 members, or owners, respectively, in the manner agreed to by such
1109 persons whether or not such partners, members, or owners are
1110 allocated or allowed any portion of the federal energy tax credit
1111 for the eligible costs.

1112 (7)~~(6)~~ RULES.--The Department of Revenue shall have the
1113 authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to
1114 administer this section, including rules relating to:

1115 (a) The forms required to claim a tax credit under this
1116 section, the requirements and basis for establishing an
1117 entitlement to a credit, and the examination and audit procedures
1118 required to administer this section.

1119 (b) The implementation and administration of the provisions
1120 allowing a transfer of a tax credit, including rules prescribing
1121 forms, reporting requirements, and specific procedures,
1122 guidelines, and requirements necessary to transfer a tax credit.

1123 Section 12. Paragraphs (f) and (g) are added to subsection
1124 (2) and paragraphs (f) and (g) of subsection (3) of section
1125 220.193, Florida Statutes, are amended, and paragraphs (j) and
1126 (k) are added to subsection (3) of that subsection, to read:

1127 220.193 Florida renewable energy production credit.--

1128 (2) As used in this section, the term:

1129 (f) "Sale" or "sold" includes the use of electricity by the
1130 producer of such electricity which decreases the amount of
1131 electricity that the producer would otherwise have to purchase.

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1132 (g) "Taxpayer" includes a general partnership, limited
1133 partnership, limited liability company, trust, or other
1134 artificial entity in which a corporation, as defined in s.
1135 220.03(1)(e), owns an interest and is taxed as a partnership or
1136 is disregarded as a separate entity from the corporation under
1137 chapter 220.

1138 (3) An annual credit against the tax imposed by this
1139 section shall be allowed to a taxpayer, based on the taxpayer's
1140 production and sale of electricity from a new or expanded Florida
1141 renewable energy facility. For a new facility, the credit shall
1142 be based on the taxpayer's sale of the facility's entire
1143 electrical production. For an expanded facility, the credit shall
1144 be based on the increases in the facility's electrical production
1145 that are achieved after May 1, 2006.

1146 (f)1. Tax credits that may be available under this section
1147 to an entity eligible under this section may be transferred after
1148 a merger or acquisition to the surviving or acquiring entity and
1149 used in the same manner with the same limitations.

1150 2. The entity or its surviving or acquiring entity as
1151 described in subparagraph 1. may transfer any unused credit in
1152 whole or in units of no less than 25 percent of the remaining
1153 credit. The entity acquiring such credit may use it in the same
1154 manner and with the same limitations under this section. Such
1155 transferred credits may not be transferred again although they
1156 may succeed to a surviving or acquiring entity subject to the
1157 same conditions and limitations as described in this section.

1158 3. In the event the credit provided for under this section
1159 is reduced as a result of an examination or audit by the
1160 department, such tax deficiency shall be recovered from the first

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1161 entity or the surviving or acquiring entity to have claimed such
1162 credit up to the amount of credit taken. Any subsequent
1163 deficiencies shall be assessed against any entity acquiring and
1164 claiming such credit, or in the case of multiple succeeding
1165 entities in the order of credit succession.

1166 4. It is the intent of the Legislature that this paragraph
1167 is remedial in nature and applies retroactively to the effective
1168 date of the law establishing the credit.

1169 (g) Notwithstanding any other provision of this section,
1170 credits for the production and sale of electricity from a new or
1171 expanded Florida renewable energy facility may be earned between
1172 January 1, 2007 and June 30, 2010. The combined total amount of
1173 tax credits which may be granted for all taxpayers under this
1174 section is limited to \$5 million per state fiscal year. It is the
1175 intent of the Legislature that this paragraph is remedial in
1176 nature and applies retroactively to the effective date of the law
1177 establishing the credit.

1178 (j) When an entity treated as a partnership or a
1179 disregarded entity under this chapter produces and sells
1180 electricity from a new or expanded renewable energy facility, the
1181 tax credit earned by such entity shall pass through in the same
1182 manner as items of income and expense pass through for federal
1183 income tax purposes. It is the intent of the Legislature that
1184 this paragraph is remedial in nature and applies retroactively to
1185 the effective date of the law establishing the credit.

1186 (k) A taxpayer's use of the tax credit granted pursuant to
1187 this section does not reduce the amount of any credit available
1188 to such taxpayer under s. 220.186. It is the intent of the
1189 Legislature that this paragraph is remedial in nature and applies

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1190 retroactively to the effective date of the law establishing the
1191 credit.

1192 Section 13. Subsection (2) of section 253.02, Florida
1193 Statutes, is amended to read:

1194 253.02 Board of trustees; powers and duties.--

1195 (2) (a) The board of trustees shall not sell, transfer, or
1196 otherwise dispose of any lands the title to which is vested in
1197 the board of trustees except by vote of at least three of the
1198 four trustees and as provided in this subsection.

1199 (b) In order to promote efficient, effective, and
1200 economical management of state lands and utility services and if
1201 the Public Service Commission has determined a need exists or the
1202 Federal Energy Regulatory Commission has granted a Certificate of
1203 Public Convenience and Necessity, the authority to grant
1204 easements for rights-of-way over, across, and upon lands the
1205 title to which is vested in the board of trustees for the
1206 construction and operation of natural gas pipeline transmission
1207 and linear facilities, including electric transmission and
1208 distribution facilities, may be delegated to
1209 the Secretary of Environmental Protection for facilities subject
1210 to part II of chapter 403 or part IV of chapter 373.

1211 Section 14. Subsection (14) is added to section 253.034,
1212 Florida Statutes, to read:

1213 253.034 State-owned lands; uses.--

1214 (14) (a) If a public utility, regional transmission
1215 organization, or natural gas company presents competent and
1216 substantial evidence that its use of nonsovereignty state-owned
1217 lands is reasonable based upon a consideration of economic and
1218 environmental factors, including an assessment of practicable

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1219 alternative alignments and assurance that the lands will remain
1220 in their predominantly natural condition, the public utility,
1221 regional transmission organization, or natural gas company may be
1222 granted fee simple title, easements, or other interests in
1223 nonsovereignty state-owned lands title to which is vested in the
1224 board of trustees, a water management district, or any other
1225 agency in the state for:

- 1226 1. Electric transmission and distribution lines;
- 1227 2. Natural gas pipelines; or
- 1228 3. Other linear facilities for which the Public Service
1229 Commission has determined a need exists or the Federal Energy
1230 Regulatory Commission has issued a Certificate of Public
1231 Convenience and Necessity.

1232 (b) In exchange for less than a fee simple interest
1233 acquired pursuant to this subsection, the grantee shall pay an
1234 amount equal to the fair market value of the interest acquired.
1235 In addition, for the initial grant of such interests only, the
1236 grantee shall also vest in the grantor a fee simple interest to
1237 other available land that is 1.5 times the size of the land
1238 acquired by the grantee. The grantor shall approve the property
1239 to be acquired on its behalf based on the geographic location in
1240 relation to the land relinquished by the grantor agency and a
1241 determination that the economic, ecological, and recreational
1242 value is at least equivalent to that of the property transferred
1243 to the public utility, regional transmission organization, or
1244 natural gas company.

1245 (c) In exchange for a fee simple interest acquired pursuant
1246 to this subsection, the grantee shall pay an amount equal to the
1247 fair market value of the interest acquired. In addition, for the

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1248 initial grant of such interests only, the grantee shall also vest
1249 in the grantor a fee simple title to other available land that is
1250 two times the size of the land acquired by the grantee. The
1251 grantor shall approve the land to be acquired on its behalf based
1252 on the geographic location in relation to the land relinquished
1253 by the grantor agency and a determination that the economic and
1254 ecological or recreational value is at least equivalent to that
1255 of the property transferred to the public utility, regional
1256 transmission organization, or natural gas company.

1257 (d) As an alternative to the consideration provided for in
1258 paragraphs (b) and (c), the grantee may, subject to the grantor's
1259 approval, pay the fair market value of the state-owned land plus
1260 one-half of the cost differential between the cost of
1261 constructing the facility on state-owned land and the cost of
1262 avoiding state-owned lands, up to a maximum of twice the fair
1263 market value of the land acquired by the grantee. The grantor may
1264 use these moneys to acquire fee simple or less than fee simple
1265 interest in other available land.

1266 Section 15. Paragraph (d) of subsection (3) of section
1267 255.249, Florida Statutes, is amended to read:

1268 255.249 Department of Management Services; responsibility;
1269 department rules.--

1270 (3)

1271 (d) By June 30 of each year, each state agency shall
1272 annually provide to the department all information regarding
1273 agency programs affecting the need for or use of space by that
1274 agency, reviews of lease-expiration schedules for each geographic
1275 area, active and planned full-time equivalent data, business case
1276 analyses related to consolidation plans by an agency,

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1277 telecommuting plans, and current occupancy and relocation costs,
1278 inclusive of furnishings, fixtures and equipment, data, and
1279 communications.

1280 Section 16. Section 255.251, Florida Statutes, is amended
1281 to read:

1282 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
1283 Act; short title.--Sections 255.251-255.258 may ~~This act shall~~ be
1284 cited as the "Florida Energy Conservation and Sustainable ~~in~~
1285 Buildings Act ~~of 1974.~~"

1286 Section 17. Section 255.252, Florida Statutes, is amended
1287 to read:

1288 255.252 Findings and intent.--

1289 (1) Operating and maintenance expenditures associated with
1290 energy equipment and with energy consumed in state-financed and
1291 leased buildings represent a significant cost over the life of a
1292 building. Energy conserved by appropriate building design not
1293 only reduces the demand for energy but also reduces costs for
1294 building operation. ~~For example, commercial buildings are~~
1295 ~~estimated to use from 20 to 80 percent more energy than would be~~
1296 ~~required if energy-conserving designs were used.~~ The size,
1297 design, orientation, and operability of windows, the ratio of
1298 ventilating air to air heated or cooled, the level of lighting
1299 consonant with space-use requirements, the handling of occupancy
1300 loads, and the ability to zone off areas not requiring equivalent
1301 levels of heating or cooling are but a few of the considerations
1302 necessary to conserving energy.

1303 (2) Significant efforts are needed to build energy-
1304 efficient state-owned buildings that meet environmental standards
1305 and underway by the General Services Administration, the National

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1306 ~~Institute of Standards and Technology, and others to detail the~~
1307 ~~considerations and practices for energy conservation in~~
1308 ~~buildings. Most important is that energy-efficient designs~~
1309 ~~provide energy savings over the life of the building structure.~~
1310 ~~Conversely, energy-inefficient designs cause excess and wasteful~~
1311 ~~energy use and high costs over that life. With buildings lasting~~
1312 ~~many decades and with energy costs escalating rapidly, it is~~
1313 ~~essential that the costs of operation and maintenance for energy-~~
1314 ~~using equipment and sustainable materials be included in all~~
1315 ~~design proposals for state-owned state buildings.~~

1316 (3) In order that such energy-efficiency and sustainable
1317 material considerations become a function of building design, and
1318 also a model for future application in the private sector, it
1319 shall be the policy of the state that buildings constructed and
1320 financed by the state be designed and constructed to meet the
1321 United States Green Building Council (USGBC) Leadership in Energy
1322 and Environmental Design (LEED) rating system, the Green Building
1323 Initiative's Green Globes rating system, or the Florida Green
1324 Building Coalition standards, or a nationally recognized high-
1325 performance green building rating system as approved by the
1326 department in a manner which will minimize the consumption of
1327 energy used in the operation and maintenance of such buildings.
1328 It is further the policy of the state, when economically
1329 feasible, to retrofit existing state-owned buildings in a manner
1330 that ~~which~~ will minimize the consumption of energy used in the
1331 operation and maintenance of such buildings.

1332 (4) In addition to designing and constructing new buildings
1333 to be energy-efficient, it shall be the policy of the state to
1334 operate and, maintain, ~~and renovate existing~~ state facilities, ~~or~~

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1335 ~~provide for their renovation,~~ in a manner that ~~which~~ will
1336 minimize energy consumption and maximize building sustainability
1337 as well as ensure that facilities leased by the state are
1338 operated so as to minimize energy use. It is further the policy
1339 of this state that the renovation of existing state facilities be
1340 in accordance with the United States Green Building Council's
1341 Leadership in Energy and Environmental Design (LEED) rating
1342 system, the Green Building Initiative's Green Globes rating
1343 system, the Florida Green Building Coalition standards, or a
1344 nationally recognized high-performance green building rating
1345 system as approved by the department. State agencies are
1346 encouraged to consider shared savings financing of such energy
1347 efficiency and conservation projects, using contracts which split
1348 the resulting savings for a specified period of time between the
1349 state agency and the private firm or cogeneration contracts that
1350 ~~which~~ otherwise permit the state to lower its net energy costs.
1351 Such energy contracts may be funded from the operating budget.

1352 (5) Each state agency occupying space within buildings
1353 owned or managed by the Department of Management Services must
1354 identify and compile a list of projects determined to be suitable
1355 for a guaranteed energy, water, and wastewater performance
1356 savings contract pursuant to s. 489.145. The list of projects
1357 compiled by each state agency shall be submitted to the
1358 Department of Management Services by December 31, 2008, and must
1359 include all criteria used to determine suitability. The list of
1360 projects shall be developed from the list of state-owned
1361 facilities greater than 5,000 square feet in area and for which
1362 the state agency is responsible for paying the expenses of
1363 utilities and other operating expenses as they relate to energy

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1364 use. In consultation with each state agency executive officer, by
1365 July 1, 2009, the department shall prioritize all projects deemed
1366 suitable by each state agency and shall develop an energy-
1367 efficiency project schedule based on factors such as project
1368 magnitude, efficiency and effectiveness of energy conservation
1369 measures to be implemented, and other factors that may prove to
1370 be advantageous to pursue. The schedule shall provide the
1371 deadline for guaranteed energy, water, and wastewater performance
1372 savings contract improvements to be made to the state-owned
1373 buildings.

1374 Section 18. Section 255.253, Florida Statutes, is amended
1375 to read:

1376 255.253 Definitions; ss. 255.251-255.258.--

1377 (1) "Department" means the Department of Management
1378 Services.

1379 (2) "Facility" means a building or other structure.

1380 (3) "Energy performance index or indices" (EPI) means a
1381 number describing the energy requirements at the building
1382 boundary of a facility, per square foot of floor space or per
1383 cubic foot of occupied volume, as appropriate under defined
1384 internal and external ambient conditions over an entire seasonal
1385 cycle. As experience develops on the energy performance achieved
1386 with state building, the indices (EPI) will serve as a measure of
1387 building performance with respect to energy consumption.

1388 (4) "Life-cycle costs" means the cost of owning, operating,
1389 and maintaining the facility over the life of the structure. This
1390 may be expressed as an annual cost for each year of the
1391 facility's use.

1392 (5) "Shared savings financing" means the financing of

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1393 energy conservation measures and maintenance services through a
1394 private firm which may own any purchased equipment for the
1395 duration of a contract, which may ~~shall~~ not exceed 10 years
1396 unless so authorized by the department. The ~~Such~~ contract shall
1397 specify that the private firm will be recompensed either out of a
1398 negotiated portion of the savings resulting from the conservation
1399 measures and maintenance services provided by the private firm
1400 or, in the case of a cogeneration project, through the payment of
1401 a rate for energy lower than would otherwise have been paid for
1402 the same energy from current sources.

1403 (6) "Sustainable building" means a building that is healthy
1404 and comfortable for its occupants and is economical to operate
1405 while conserving resources, including energy, water, raw
1406 materials, and land, and minimizing the generation and use of
1407 toxic materials and waste in its design, construction,
1408 landscaping, and operation.

1409 (7) "Sustainable building rating" means a rating
1410 established by the United States Green Building Council (USGBC)
1411 Leadership in Energy and Environmental Design (LEED) rating
1412 system, the Green Building Initiative's Green Globes rating
1413 system, or the Florida Green Building Coalition standards.

1414 Section 19. Subsection (1) of section 255.254, Florida
1415 Statutes, is amended to read:

1416 255.254 No facility constructed or leased without life-
1417 cycle costs.--

1418 (1) A ~~No~~ state agency may not ~~shall~~ lease, construct, or
1419 have constructed, within limits prescribed herein, a facility
1420 without having secured from the department an ~~a proper~~ evaluation
1421 of life-cycle costs based on sustainable building ratings, ~~as~~

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1422 ~~computed by an architect or engineer.~~ Furthermore, construction
1423 shall proceed only upon disclosing to the department, for the
1424 facility chosen, the life-cycle costs as determined in s.
1425 255.255, its sustainable building rating goal, and the
1426 capitalization of the initial construction costs of the building.
1427 The life-cycle costs and the sustainable building rating goal
1428 shall be ~~a primary considerations~~ consideration in the selection
1429 of a building design. ~~Such analysis shall be required only for~~
1430 ~~construction of buildings with an area of 5,000 square feet or~~
1431 ~~greater.~~ For leased buildings 5,000 square feet ~~areas of 20,000~~
1432 ~~square feet~~ or greater within a given building boundary, an
1433 energy performance a life-cycle analysis consisting of a
1434 projection of the annual energy consumption costs in dollars per
1435 square foot of major energy-consuming equipment and systems based
1436 on actual expenses, from the last 3 years, and projected forward
1437 for the term of the proposed lease shall be performed. ~~The, and a~~
1438 lease shall ~~only~~ be made only where there is a showing that the
1439 energy life-cycle costs incurred by the state are minimal
1440 compared to available like facilities. Any building leased by the
1441 state from a private-sector entity shall include, as a part of
1442 the lease, provisions for monthly energy-use data to be collected
1443 and submitted monthly to the department by the owner of the
1444 building.

1445 Section 20. Subsection (1) of section 255.255, Florida
1446 Statutes, is amended to read:

1447 255.255 Life-cycle costs.--

1448 (1) The department shall adopt ~~promulgate~~ rules and
1449 procedures, including energy conservation performance guidelines,
1450 based on sustainable building ratings, for conducting a life-

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1451 cycle cost analysis of alternative architectural and engineering
1452 designs and alternative major items of energy-consuming equipment
1453 to be retrofitted in existing state-owned or leased facilities
1454 and for developing energy performance indices to evaluate the
1455 efficiency of energy utilization for competing designs in the
1456 construction of state-financed ~~and leased~~ facilities.

1457 Section 21. Section 255.257, Florida Statutes, is amended
1458 to read:

1459 255.257 Energy management; buildings occupied by state
1460 agencies.--

1461 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
1462 shall collect data on energy consumption and cost. The data
1463 gathered shall be on state-owned facilities and metered state-
1464 leased facilities of 5,000 net square feet or more. These data
1465 will be used in the computation of the effectiveness of the state
1466 energy management plan and the effectiveness of the energy
1467 management program of each of the state agencies. Collected data
1468 shall be reported annually to the department in a format
1469 prescribed by the department.

1470 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency, the
1471 Florida Public Service Commission, the Department of Military
1472 Affairs, and the judicial branch shall appoint a coordinator
1473 whose responsibility shall be to advise the head of the state
1474 agency on matters relating to energy consumption in facilities
1475 under the control of that head or in space occupied by the
1476 various units comprising that state agency, in vehicles operated
1477 by that state agency, and in other energy-consuming activities of
1478 the state agency. The coordinator shall implement the energy
1479 management program agreed upon by the state agency concerned and

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1480 assist the department in the development of the State Energy
1481 Management Plan.

1482 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
1483 Department of Management Services shall ~~may~~ develop a state
1484 energy management plan consisting of, but not limited to, the
1485 following elements:

- 1486 (a) Data-gathering requirements;
1487 (b) Building energy audit procedures;
1488 (c) Uniform data analysis procedures;
1489 (d) Employee energy education program measures;
1490 (e) Energy consumption reduction techniques;
1491 (f) Training program for state agency energy management
1492 coordinators; and
1493 (g) Guidelines for building managers.

1494
1495 The plan shall include a description of actions to be taken by
1496 all state agencies to reduce consumption of electricity and
1497 nonrenewable energy sources used for space heating and cooling,
1498 ventilation, lighting, water heating, and transportation.

1499 (4) All state agencies shall adopt the United States Green
1500 Building Council's Leadership in Energy and Environmental Design
1501 (LEED) rating system, the Green Building Initiative's Green
1502 Globes rating system, or the Florida Green Building Coalition
1503 standards.

1504 (5) A state agency may not enter into new leasing
1505 agreements for office space that does not meet Energy Star
1506 building standards unless the appropriate state government entity
1507 executive determines that no other viable or cost-effective
1508 alternative exists.

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1509 (6) All state agencies shall develop energy-conservation
1510 measures and guidelines for new and existing office space where
1511 state agencies occupy more than 5,000 square feet. These
1512 conservation measures shall focus on programs that may reduce
1513 energy consumption and, when established, will provide a net
1514 reduction in occupancy costs.

1515 Section 22. Section 286.275, Florida Statutes, is created
1516 to read:

1517 286.275 Climate friendly public business.--The Legislature
1518 recognizes the importance of leadership by state government in
1519 the area of energy efficiency and in reducing the greenhouse gas
1520 emissions of state government operations. The following shall
1521 pertain to all state government entities, as defined in this
1522 section, when conducting public business:

1523 (1) The Department of Management Services shall develop the
1524 Florida Climate Friendly Preferred Products List. In maintaining
1525 that list, the department, in consultation with the Department of
1526 Environmental Protection, shall continually assess products that
1527 are currently available for purchase under state term contracts
1528 and identify specific products and vendors that provide clear
1529 energy efficiency or other environmental benefits over competing
1530 products. When procuring products from state term contracts,
1531 state agencies shall first consult the Florida Climate Friendly
1532 Preferred Products List and procure such products if the price is
1533 comparable.

1534 (2) Effective July 1, 2008, state agencies shall contract
1535 for meeting and conference space only with hotels or conference
1536 facilities that have received the "Green Lodging" designation
1537 from the Department of Environmental Protection for best

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1538 practices in water, energy, and waste-efficiency standards,
1539 unless the responsible state agency's chief executive officer
1540 makes a determination that no other viable alternative exists.
1541 The Department of Environmental Protection is authorized to adopt
1542 rules to implement the "Green Lodging" program.

1543 (3) The Department of Environmental Protection may
1544 establish voluntary technical assistance programs in accordance
1545 with s. 403.074. Such programs may include the Clean Marinas,
1546 Clean Boatyards, Clean Retailers, Clean Boaters, and Green Yards
1547 Programs. The programs may include certifications, designations,
1548 or other forms of recognition. The department may implement some
1549 or all of these programs through rulemaking; however, the rules
1550 may not impose requirements on a person who does not wish to
1551 participate in a program. Each state agency shall patronize
1552 businesses that have received such certifications or designations
1553 to the greatest extent practicable.

1554 (4) Each state agency shall ensure that all maintained
1555 vehicles meet minimum maintenance schedules shown to reduce fuel
1556 consumption, which include ensuring appropriate tire pressures
1557 and tread depth, replacing fuel filters and emission filters at
1558 recommended intervals, using proper motor oils, and performing
1559 timely motor maintenance. Each state agency shall measure and
1560 report compliance to the Department of Management Services
1561 through the Equipment Management Information System database.

1562 (5) When procuring a vehicle, state agencies shall first
1563 define the intended purpose of the vehicle and determine for
1564 which of the following use classes the vehicle is being procured:

1565 (a) State business travel, designated operator;

1566 (b) State business travel, pool operators;

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- 1567 (c) Construction, agricultural or maintenance work;
1568 (d) Conveyance of passengers;
1569 (e) Conveyance of building or maintenance materials and
1570 supplies;
1571 (f) Off-road vehicles, motorcycles, and all-terrain
1572 vehicles;
1573 (g) Emergency response; or
1574 (h) Other.

1575
1576 Vehicles in paragraphs (a) through (h), when being processed for
1577 purchase or leasing agreements, must be selected for the greatest
1578 fuel efficiency available for a given use class when fuel-economy
1579 data are available. Exceptions may be made for certain individual
1580 vehicles in subparagraph 7., when accompanied, during the
1581 procurement process, by documentation indicating that the
1582 operator or operators will exclusively be emergency first
1583 responders or have special documented need for exceptional
1584 vehicle performance characteristics. Any request for an exception
1585 must be approved by the purchasing agency's chief executive
1586 officer and any exceptional performance characteristics denoted
1587 as a part of the procurement process prior to purchase.

1588 (6) All state agencies shall use ethanol and biodiesel-
1589 blended fuels, when available. State agencies administering
1590 central fueling operations for state-owned vehicles shall procure
1591 biofuels for fleet needs to the greatest extent practicable.

1592 Section 23. Paragraph (b) of subsection (2) and subsection
1593 (5) of section 287.063, Florida Statutes, are amended to read:

1594 287.063 Deferred-payment commodity contracts; preaudit
1595 review.--

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1596 (2)
1597 (b) The Chief Financial Officer shall establish, by rule,
1598 criteria for approving purchases made under deferred-payment
1599 contracts which require the payment of interest. Criteria shall
1600 include, but not be limited to, the following provisions:

1601 1. No contract shall be approved in which interest exceeds
1602 the statutory ceiling contained in this section. However, the
1603 interest component of any master equipment financing agreement
1604 entered into for the purpose of consolidated financing of a
1605 deferred-payment, installment sale, or lease-purchase shall be
1606 deemed to comply with the interest rate limitation of this
1607 section so long as the interest component of every interagency
1608 agreement under such master equipment financing agreement
1609 complies with the interest rate limitation of this section.

1610 2. No deferred-payment purchase for less than \$30,000 shall
1611 be approved, unless it can be satisfactorily demonstrated and
1612 documented to the Chief Financial Officer that failure to make
1613 such deferred-payment purchase would adversely affect an agency
1614 in the performance of its duties. However, the Chief Financial
1615 Officer may approve any deferred-payment purchase if the Chief
1616 Financial Officer determines that such purchase is economically
1617 beneficial to the state.

1618 ~~3. No agency shall obligate an annualized amount of~~
1619 ~~payments for deferred payment purchases in excess of current~~
1620 ~~operating capital outlay appropriations, unless specifically~~
1621 ~~authorized by law or unless it can be satisfactorily demonstrated~~
1622 ~~and documented to the Chief Financial Officer that failure to~~
1623 ~~make such deferred payment purchase would adversely affect an~~
1624 ~~agency in the performance of its duties.~~

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1625 ~~3.4.~~ No contract shall be approved which extends payment
1626 beyond 5 years, unless it can be satisfactorily demonstrated and
1627 documented to the Chief Financial Officer that failure to make
1628 such deferred-payment purchase would adversely affect an agency
1629 in the performance of its duties. The payment term may not exceed
1630 the useful life of the equipment unless the contract provides for
1631 the replacement or the extension of the useful life of the
1632 equipment during the term of the loan.

1633 (5) For purposes of this section, the annualized amount of
1634 any such deferred payment commodity contract must be supported
1635 from available recurring funds appropriated to the agency in an
1636 appropriation category, ~~other than the expense appropriation~~
1637 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1638 Financial Officer has determined is appropriate or that the
1639 Legislature has designated for payment of the obligation incurred
1640 under this section.

1641 Section 24. Subsections (10) and (11) of section 287.064,
1642 Florida Statutes, are amended to read:

1643 287.064 Consolidated financing of deferred-payment
1644 purchases.--

1645 (10) (a) A master equipment financing agreement may finance
1646 the cost of energy, water, or wastewater efficiency and
1647 conservation measures, as defined in s. 489.145, excluding the
1648 costs of training, operation, and maintenance, for a term of
1649 repayment that may exceed 5 years but not more than 20 years.

1650 (b) The guaranteed energy, water, and wastewater savings
1651 contractor shall provide for the replacement or the extension of
1652 the useful life of the equipment during the term of the contract.
1653 ~~Costs incurred pursuant to a guaranteed energy performance~~

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1654 ~~savings contract, including the cost of energy conservation~~
1655 ~~measures, each as defined in s. 489.145, may be financed pursuant~~
1656 ~~to a master equipment financing agreement; however, the costs of~~
1657 ~~training, operation, and maintenance may not be financed. The~~
1658 ~~period of time for repayment of the funds drawn pursuant to the~~
1659 ~~master equipment financing agreement under this subsection may~~
1660 ~~exceed 5 years but may not exceed 10 years.~~

1661 (11) For purposes of consolidated financing of deferred
1662 payment commodity contracts under this section by a state agency,
1663 the annualized amount of any such contract must be supported from
1664 available recurring funds appropriated to the agency in an
1665 appropriation category, ~~other than the expense appropriation~~
1666 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1667 Financial Officer has determined is appropriate or which ~~that~~ the
1668 Legislature has designated for payment of the obligation incurred
1669 under this section.

1670 Section 25. Subsection (12) is added to section 287.16,
1671 Florida Statutes, to read:

1672 287.16 Powers and duties of department.--The Department of
1673 Management Services shall have the following powers, duties, and
1674 responsibilities:

1675 (12) To conduct, in coordination with the Department of
1676 Transportation, an analysis of ethanol and biodiesel use by the
1677 Department of Transportation through its central fueling
1678 facilities. The Department of Management Services shall encourage
1679 other state government entities to analyze transportation fuel
1680 usage, including the different types and percentages of fuels
1681 consumed, and report such information to the department.

1682 Section 26. Present paragraphs (a) through (n) of

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1683 subsection (2) of section 288.1089, Florida Statutes, are
1684 redesignated as paragraphs (b) through (o), respectively, and a
1685 new paragraph (a) is added to that subsection, subsection (3) of
1686 that section is amended, and paragraph (d) is added to subsection
1687 (4) of that section, to read:

1688 288.1089 Innovation Incentive Program.--

1689 (2) As used in this section, the term:

1690 (a) "Alternative and renewable energy" means electrical,
1691 mechanical, or thermal energy produced from a method that uses
1692 one or more of the following fuels or energy sources: ethanol,
1693 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
1694 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
1695 or geothermal.

1696 (3) To be eligible for consideration for an innovation
1697 incentive award, an innovation business, ~~or~~ research and
1698 development entity, or alternative and renewable energy project
1699 must submit a written application to Enterprise Florida, Inc.,
1700 before making a decision to locate new operations in this state
1701 or expand an existing operation in this state. The application
1702 must include, but not be limited to:

1703 (a) The applicant's federal employer identification number,
1704 unemployment account number, and state sales tax registration
1705 number. If such numbers are not available at the time of
1706 application, they must be submitted to the office in writing
1707 prior to the disbursement of any payments under this section.

1708 (b) The location in this state at which the project is
1709 located or is to be located.

1710 (c) A description of the type of business activity,
1711 product, or research and development undertaken by the applicant,

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1712 including six-digit North American Industry Classification System
1713 codes for all activities included in the project.

1714 (d) The applicant's projected investment in the project.

1715 (e) The total investment, from all sources, in the project.

1716 (f) The number of net new full-time equivalent jobs in this
1717 state the applicant anticipates having created as of December 31
1718 of each year in the project and the average annual wage of such
1719 jobs.

1720 (g) The total number of full-time equivalent employees
1721 currently employed by the applicant in this state, if applicable.

1722 (h) The anticipated commencement date of the project.

1723 (i) A detailed explanation of why the innovation incentive
1724 is needed to induce the applicant to expand or locate in the
1725 state and whether an award would cause the applicant to locate or
1726 expand in this state.

1727 (j) If applicable, an estimate of the proportion of the
1728 revenues resulting from the project that will be generated
1729 outside this state.

1730 (4) To qualify for review by the office, the applicant
1731 must, at a minimum, establish the following to the satisfaction
1732 of Enterprise Florida, Inc., and the office:

1733 (d) For an alternative and renewable energy project in this
1734 state, the project must:

1735 1. Demonstrate a plan for significant collaboration with an
1736 institution of higher education;

1737 2. Provide the state, at a minimum, a break-even return on
1738 investment within a 20-year period;

1739 3. Include matching funds provided by the applicant or
1740 other available sources. This requirement may be waived if the

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1741 office and the department determine that the merits of the
1742 individual project or the specific circumstances warrant such
1743 action;

1744 4. Be located in this state;

1745 5. Provide jobs that pay an estimated annual average wage
1746 that equals at least 130 percent of the average private-sector
1747 wage. The average wage requirement may be waived if the office
1748 and the commission determine that the merits of the individual
1749 project or the specific circumstances warrant such action; and

1750 6. Meet one of the following criteria:

1751 a. Result in the creation of at least 35 direct, new jobs
1752 at the business.

1753 b. Have an activity or product that uses feedstock or other
1754 raw materials grown or produced in this state.

1755 c. Have a cumulative investment of at least \$50 million
1756 within a 5-year period.

1757 d. Address the technical feasibility of the technology, and
1758 the extent to which the proposed project has been demonstrated to
1759 be technically feasible based on pilot project demonstrations,
1760 laboratory testing, scientific modeling, or engineering or
1761 chemical theory that supports the proposal.

1762 e. Include innovative technology and the degree to which
1763 the project or business incorporates an innovative new technology
1764 or an innovative application of an existing technology.

1765 f. Include production potential and the degree to which a
1766 project or business generates thermal, mechanical, or electrical
1767 energy by means of a renewable energy resource that has
1768 substantial long-term production potential. The project must, to
1769 the extent possible, quantify annual production potential in

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1770 megawatts or kilowatts.

1771 g. Include and address energy efficiency and the degree to
1772 which a project demonstrates efficient use of energy, water, and
1773 material resources.

1774 h. Include project management and the ability of management
1775 to administer a complete the business project.

1776 Section 27. Subsection (1) of section 337.401, Florida
1777 Statutes, is amended to read:

1778 337.401 Use of right-of-way for utilities subject to
1779 regulation; permit; fees.--

1780 (1) The department and local governmental entities,
1781 referred to in ss. 337.401-337.404 as the "authority," that have
1782 jurisdiction and control of public roads or publicly owned rail
1783 corridors are authorized to prescribe and enforce reasonable
1784 rules or regulations with reference to the placing and
1785 maintaining along, across, or on any road or publicly owned rail
1786 corridors under their respective jurisdictions any electric
1787 transmission, telephone, telegraph, or other communications
1788 services lines; pole lines; poles; railways; ditches; sewers;
1789 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1790 pumps; or other structures ~~hereinafter~~ referred to in this
1791 section as the "utility." For aerial and underground electric
1792 utility transmission lines designed to operate at 69 kV or more
1793 which are needed to accommodate the additional electrical
1794 transfer capacity on the transmission grid resulting from new
1795 base-load generating facilities, where there is no other
1796 practicable alternative available for placement of the electric
1797 utility transmission lines on the department's rights-of-way, the
1798 department's rules shall provide for placement of and access to

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1799 such transmission lines within the right-of-way of any
1800 department-controlled public roads, including longitudinally
1801 within limited access facilities to the greatest extent allowed
1802 by federal law if compliance with the standards established by
1803 such rules is achieved. Such rules may include, but need not be
1804 limited to, presentation of competent and substantial evidence
1805 that the use of the right-of-way is reasonable based upon a
1806 consideration of economic and environmental factors, including,
1807 without limitation, other utility corridors and easements and
1808 minimum clear zones and other safety standards if such
1809 improvements do not interfere with operational requirements of
1810 the transportation facility or planned or potential future
1811 expansion of such transportation facility. If the department
1812 approves longitudinal placement of electric utility transmission
1813 lines in limited access facilities, compensation for the use of
1814 the right-of-way is required. Such consideration or compensation
1815 paid by the electric utility in connection with the department's
1816 issuance of a permit does not create any property right in the
1817 department's property regardless of the amount of consideration
1818 paid or the improvements constructed on the property by the
1819 utility. Upon notice by the department that the property is
1820 needed for expansion or improvement of the transportation
1821 facility, the electric utility transmission line shall relocate
1822 from the facility at the electric utility's sole expense. Such
1823 relocation shall occur under a schedule mutually agreed upon by
1824 the department and the electric utility, taking into
1825 consideration the maintenance of overall grid reliability and
1826 minimizing the relocation costs to the electric utility's
1827 customers. If the utility fails to meet the agreed upon schedule

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1828 for relocation, the utility shall be responsible for reasonable
1829 direct delay damages due to the sole negligence of the electric
1830 utility as determined by a court of competent jurisdiction. As
1831 used in this subsection, the term "base-load generating
1832 facilities" mean electrical power plants that are certified under
1833 part II of chapter 403. The department may enter into a permit-
1834 delegation agreement with a governmental entity if issuance of a
1835 permit is based on requirements that the department finds will
1836 ensure the safety and integrity of facilities of the Department
1837 of Transportation; however, the permit-delegation agreement does
1838 not apply to facilities of electric utilities as defined in s.
1839 366.02(2).

1840 Section 28. Subsections (1) and (7) of section 339.175,
1841 Florida Statutes, are amended to read:

1842 339.175 Metropolitan planning organization.--

1843 (1) PURPOSE.--It is the intent of the Legislature to
1844 encourage and promote the safe and efficient management,
1845 operation, and development of surface transportation systems that
1846 will serve the mobility needs of people and freight and foster
1847 economic growth and development within and through urbanized
1848 areas of this state while minimizing transportation-related fuel
1849 consumption, ~~and~~ air pollution, and greenhouse gas emissions
1850 through metropolitan transportation planning processes identified
1851 in this section. To accomplish these objectives, metropolitan
1852 planning organizations, referred to in this section as M.P.O.'s,
1853 shall develop, in cooperation with the state and public transit
1854 operators, transportation plans and programs for metropolitan
1855 areas. The plans and programs for each metropolitan area must
1856 provide for the development and integrated management and

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1857 operation of transportation systems and facilities, including
1858 pedestrian walkways and bicycle transportation facilities that
1859 will function as an intermodal transportation system for the
1860 metropolitan area, based upon the prevailing principles provided
1861 in s. 334.046(1). The process for developing such plans and
1862 programs shall provide for consideration of all modes of
1863 transportation and shall be continuing, cooperative, and
1864 comprehensive, to the degree appropriate, based on the complexity
1865 of the transportation problems to be addressed. To ensure that
1866 the process is integrated with the statewide planning process,
1867 M.P.O.'s shall develop plans and programs that identify
1868 transportation facilities that should function as an integrated
1869 metropolitan transportation system, giving emphasis to facilities
1870 that serve important national, state, and regional transportation
1871 functions. For the purposes of this section, those facilities
1872 include the facilities on the Strategic Intermodal System
1873 designated under s. 339.63 and facilities for which projects have
1874 been identified pursuant to s. 339.2819(4).

1875 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1876 develop a long-range transportation plan that addresses at least
1877 a 20-year planning horizon. The plan must include both long-range
1878 and short-range strategies and must comply with all other state
1879 and federal requirements. The prevailing principles to be
1880 considered in the long-range transportation plan are: preserving
1881 the existing transportation infrastructure; enhancing Florida's
1882 economic competitiveness; and improving travel choices to ensure
1883 mobility. The long-range transportation plan must be consistent,
1884 to the maximum extent feasible, with future land use elements and
1885 the goals, objectives, and policies of the approved local

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1886 government comprehensive plans of the units of local government
1887 located within the jurisdiction of the M.P.O. Each M.P.O. is
1888 encouraged to consider strategies that integrate transportation
1889 and land use planning to provide for sustainable development and
1890 reduce greenhouse gas emissions. The approved long-range
1891 transportation plan must be considered by local governments in
1892 the development of the transportation elements in local
1893 government comprehensive plans and any amendments thereto. The
1894 long-range transportation plan must, at a minimum:

1895 (a) Identify transportation facilities, including, but not
1896 limited to, major roadways, airports, seaports, spaceports,
1897 commuter rail systems, transit systems, and intermodal or
1898 multimodal terminals that will function as an integrated
1899 metropolitan transportation system. The long-range transportation
1900 plan must give emphasis to those transportation facilities that
1901 serve national, statewide, or regional functions, and must
1902 consider the goals and objectives identified in the Florida
1903 Transportation Plan as provided in s. 339.155. If a project is
1904 located within the boundaries of more than one M.P.O., the
1905 M.P.O.'s must coordinate plans regarding the project in the long-
1906 range transportation plan.

1907 (b) Include a financial plan that demonstrates how the plan
1908 can be implemented, indicating resources from public and private
1909 sources which are reasonably expected to be available to carry
1910 out the plan, and recommends any additional financing strategies
1911 for needed projects and programs. The financial plan may include,
1912 for illustrative purposes, additional projects that would be
1913 included in the adopted long-range transportation plan if
1914 reasonable additional resources beyond those identified in the

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1915 financial plan were available. For the purpose of developing the
1916 long-range transportation plan, the M.P.O. and the department
1917 shall cooperatively develop estimates of funds that will be
1918 available to support the plan implementation. Innovative
1919 financing techniques may be used to fund needed projects and
1920 programs. Such techniques may include the assessment of tolls,
1921 the use of value capture financing, or the use of value pricing.

1922 (c) Assess capital investment and other measures necessary
1923 to:

1924 1. Ensure the preservation of the existing metropolitan
1925 transportation system including requirements for the operation,
1926 resurfacing, restoration, and rehabilitation of major roadways
1927 and requirements for the operation, maintenance, modernization,
1928 and rehabilitation of public transportation facilities; and

1929 2. Make the most efficient use of existing transportation
1930 facilities to relieve vehicular congestion and maximize the
1931 mobility of people and goods.

1932 (d) Indicate, as appropriate, proposed transportation
1933 enhancement activities, including, but not limited to, pedestrian
1934 and bicycle facilities, scenic easements, landscaping, historic
1935 preservation, mitigation of water pollution due to highway
1936 runoff, and control of outdoor advertising.

1937 (e) In addition to the requirements of paragraphs (a)-(d),
1938 in metropolitan areas that are classified as nonattainment areas
1939 for ozone or carbon monoxide, the M.P.O. must coordinate the
1940 development of the long-range transportation plan with the State
1941 Implementation Plan developed pursuant to the requirements of the
1942 federal Clean Air Act.

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1944 In the development of its long-range transportation plan, each
1945 M.P.O. must provide the public, affected public agencies,
1946 representatives of transportation agency employees, freight
1947 shippers, providers of freight transportation services, private
1948 providers of transportation, representatives of users of public
1949 transit, and other interested parties with a reasonable
1950 opportunity to comment on the long-range transportation plan. The
1951 long-range transportation plan must be approved by the M.P.O.

1952 Section 29. Section 366.82, Florida Statutes, is amended to
1953 read:

1954 366.82 Definition; goals; plans; programs; annual reports;
1955 energy audits.--

1956 (1) For the purposes of ss. 366.80-366.85 and 403.519,
1957 "utility" means any person or entity of whatever form which
1958 provides electricity or natural gas at retail to the public,
1959 specifically including municipalities or instrumentalities
1960 thereof and cooperatives organized under the Rural Electric
1961 Cooperative Law and specifically excluding any municipality or
1962 instrumentality thereof, any cooperative organized under the
1963 Rural Electric Cooperative Law, or any other person or entity
1964 providing natural gas at retail to the public whose annual sales
1965 volume is less than 100 million therms or any municipality or
1966 instrumentality thereof and any cooperative organized under the
1967 Rural Electric Cooperative Law providing electricity at retail to
1968 the public whose annual sales as of July 1, 1993, to end-use
1969 customers is less than 2,000 gigawatt hours.

1970 (2) The commission shall adopt appropriate goals for
1971 increasing the efficiency of energy consumption and increasing
1972 the development of cogeneration, specifically including goals

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1973 designed to increase the conservation of expensive resources,
1974 such as petroleum fuels, to reduce and control the growth rates
1975 of electric consumption, and to reduce the growth rates of
1976 weather-sensitive peak demand. The Executive Office of the
1977 Governor shall be a party in the proceedings to adopt goals. The
1978 commission may change the goals for reasonable cause. The time
1979 period to review the goals, however, must ~~shall~~ not exceed 5
1980 years. After the programs and plans to meet those goals are
1981 completed, the commission shall determine what further goals,
1982 programs, or plans are warranted and, if so, shall adopt them.

1983 (3) The commission shall publish a notice of proposed
1984 rulemaking no later than July 1, 2009, requiring electric
1985 utilities to offset 20 percent of their annual load-growth
1986 through energy efficiency and conservation measures thereby
1987 constituting an energy-efficiency portfolio standard. The
1988 commission may allow efficiency investments across generation,
1989 transmission, and distribution as well as efficiencies within the
1990 user base. As part of the implementation rules, the commission
1991 shall create an in-state market for tradable credits enabling
1992 those electric utilities that exceed the standard to sell credits
1993 to those that cannot meet the standard for a given year. This
1994 efficiency standard is separate from and exclusive of the
1995 renewable portfolio standard that requires electricity providers
1996 to obtain a minimum percentage of their power from renewable
1997 energy resources. Every 3 years the commission shall review and
1998 reevaluate this efficacy of efficiency standard on a regional and
1999 statewide approach.

2000 (4)~~(3)~~ Following adoption of goals pursuant to subsection
2001 (2), the commission shall require each utility to develop plans

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2002 and programs to meet the overall goals within its service area.
2003 If any plan or program includes loans, collection of loans, or
2004 similar banking functions by a utility and the plan is approved
2005 by the commission, the utility shall perform such functions,
2006 notwithstanding any other provision of the law. The commission
2007 may pledge up to \$5 million of the Florida Public Service
2008 Regulatory Trust Fund to guarantee such loans. However, no
2009 utility shall be required to loan its funds for the purpose of
2010 purchasing or otherwise acquiring conservation measures or
2011 devices, but nothing herein shall prohibit or impair the
2012 administration or implementation of a utility plan as submitted
2013 by a utility and approved by the commission under this
2014 subsection. If the commission disapproves a plan, it shall
2015 specify the reasons for disapproval, and the utility whose plan
2016 is disapproved shall resubmit its modified plan within 30 days.
2017 Prior approval by the commission shall be required to modify or
2018 discontinue a plan, or part thereof, which has been approved. If
2019 any utility has not implemented its programs and is not
2020 substantially in compliance with the provisions of its approved
2021 plan at any time, the commission shall adopt programs required
2022 for that utility to achieve the overall goals. Utility programs
2023 may include variations in rate design, load control,
2024 cogeneration, residential energy conservation subsidy, or any
2025 other measure within the jurisdiction of the commission which the
2026 commission finds likely to be effective; this provision shall not
2027 be construed to preclude these measures in any plan or program.

2028 (5)~~(4)~~ The commission shall require periodic reports from
2029 each utility and shall provide the Legislature and the Governor
2030 with an annual report by March 1 of the goals it has adopted and

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2031 | its progress toward meeting those goals. The commission shall
2032 | also consider the performance of each utility pursuant to ss.
2033 | 366.80-366.85 and 403.519 when establishing rates for those
2034 | utilities over which the commission has ratesetting authority.

2035 | (6) The commission shall require municipal and cooperative
2036 | utilities that are exempt from the Florida Energy Efficiency and
2037 | Conservation Act to submit an annual report to the commission
2038 | identifying energy efficiency and conservation goals and the
2039 | actions taken to meet those goals.

2040 | (7)~~(5)~~ The commission shall require each utility to offer,
2041 | or to contract to offer, energy audits to its residential
2042 | customers. This requirement need not be uniform, but may be based
2043 | on such factors as level of usage, geographic location, or any
2044 | other reasonable criterion, so long as all eligible customers are
2045 | notified. The commission may extend this requirement to some or
2046 | all commercial customers. The commission shall set the charge for
2047 | audits by rule, not to exceed the actual cost, and may describe
2048 | by rule the general form and content of an audit. In the event
2049 | one utility contracts with another utility to perform audits for
2050 | it, the utility for which the audits are performed shall pay the
2051 | contracting utility the reasonable cost of performing the audits.
2052 | Each utility over which the commission has ratesetting authority
2053 | shall estimate its costs and revenues for audits, conservation
2054 | programs, and implementation of its plan for the immediately
2055 | following 6-month period. Reasonable and prudent unreimbursed
2056 | costs projected to be incurred, or any portion of such costs, may
2057 | be added to the rates which would otherwise be charged by a
2058 | utility upon approval by the commission, provided that the
2059 | commission shall not allow the recovery of the cost of any

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2060 company image-enhancing advertising or of any advertising not
2061 directly related to an approved conservation program. Following
2062 each 6-month period, each utility shall report the actual results
2063 for that period to the commission, and the difference, if any,
2064 between actual and projected results shall be taken into account
2065 in succeeding periods. The state plan as submitted for
2066 consideration under the National Energy Conservation Policy Act
2067 shall not be in conflict with any state law or regulation.

2068 (8)~~(6)~~(a) Notwithstanding the provisions of s. 377.703, the
2069 commission shall be the responsible state agency for performing,
2070 coordinating, implementing, or administering the functions of the
2071 state plan submitted for consideration under the National Energy
2072 Conservation Policy Act and any acts amendatory thereof or
2073 supplemental thereto and for performing, coordinating,
2074 implementing, or administering the functions of any future
2075 federal program delegated to the state which relates to
2076 consumption, utilization, or conservation of electricity or
2077 natural gas; and the commission shall have exclusive
2078 responsibility for preparing all reports, information, analyses,
2079 recommendations, and materials related to consumption,
2080 utilization, or conservation of electrical energy which are
2081 required or authorized by s. 377.703.

2082 (b) The Florida Energy and Climate Commission, as created
2083 in s. 377.6015, ~~Executive Office of the Governor~~ shall be a party
2084 in the proceedings to adopt goals and shall file with the
2085 commission comments on the proposed goals including, but not
2086 limited to:

2087 1. An evaluation of utility load forecasts, including an
2088 assessment of alternative supply and demand side resource

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2089 options.

2090 2. An analysis of various policy options which can be
2091 implemented to achieve a least-cost strategy.

2092 (9)~~(7)~~ The commission shall establish all minimum
2093 requirements for energy auditors used by each utility. The
2094 commission is authorized to contract with any public agency or
2095 other person to provide any training, testing, evaluation, or
2096 other step necessary to fulfill the provisions of this
2097 subsection.

2098 (10) In evaluating the cost-effectiveness of demand-side
2099 management programs, the commission shall use methodologies that
2100 recognize the noneconomic benefits associated with reduced energy
2101 demand from energy efficiency and conservation programs and that
2102 recognize the benefits associated with not constructing new
2103 generation capacity.

2104 (11) The commission shall establish a renewable energy
2105 portfolio standard that requires electric utilities to generate
2106 or purchase a specified percentage of their electrical power from
2107 renewable energy resources of which not less than 3 percent must
2108 be solar and located within the state. Municipal and cooperative
2109 utilities that are exempt from the Florida Energy Efficiency and
2110 Conservation Act shall submit an annual report to the commission
2111 identifying the respective percentage of their electrical power
2112 that is generated or purchased from such renewable energy
2113 resources. The commission may adopt rules to administer this
2114 subsection.

2115 Section 30. Paragraph (d) of subsection (1) of section
2116 366.8255, Florida Statutes, is amended to read:

2117 366.8255 Environmental cost recovery.--

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- 2118 (1) As used in this section, the term:
- 2119 (d) "Environmental compliance costs" includes all costs or
- 2120 expenses incurred by an electric utility in complying with
- 2121 environmental laws or regulations, including, but not limited to:
- 2122 1. Inservice capital investments, including the electric
- 2123 utility's last authorized rate of return on equity thereon;
- 2124 2. Operation and maintenance expenses;
- 2125 3. Fuel procurement costs;
- 2126 4. Purchased power costs;
- 2127 5. Emission allowance costs;
- 2128 6. Direct taxes on environmental equipment; ~~and~~
- 2129 7. Costs or expenses prudently incurred by an electric
- 2130 utility pursuant to an agreement entered into on or after the
- 2131 effective date of this act and prior to October 1, 2002, between
- 2132 the electric utility and the Florida Department of Environmental
- 2133 Protection or the United States Environmental Protection Agency
- 2134 for the exclusive purpose of ensuring compliance with ozone
- 2135 ambient air quality standards by an electrical generating
- 2136 facility owned by the electric utility; ~~-~~
- 2137 8. Costs or expenses prudently incurred for scientific
- 2138 research and geological assessments of carbon capture and storage
- 2139 for the purpose of reducing an electric utility's greenhouse gas
- 2140 emissions as defined in s. 403.44 when such costs or expenses are
- 2141 incurred in joint research projects with this state's government
- 2142 agencies and universities; and
- 2143 9. Costs or expenses prudently incurred for the
- 2144 quantification, reporting, and verification of greenhouse gas
- 2145 emissions by third parties as required for participation in
- 2146 emission registries.

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2147 Section 31. Section 366.93, Florida Statutes, is amended to
2148 read:

2149 366.93 Cost recovery for the siting, design, licensing, and
2150 construction of nuclear and integrated gasification combined
2151 cycle power plants.--

2152 (1) As used in this section, the term:

2153 (a) "Cost" includes, but is not limited to, all capital
2154 investments, including rate of return, any applicable taxes, and
2155 all expenses, including operation and maintenance expenses,
2156 related to or resulting from the siting, licensing, design,
2157 construction, or operation of the nuclear power plant and any
2158 new, enlarged, or relocated electrical transmission lines or
2159 facilities of any size which are necessary to serve the nuclear
2160 or integrated gasification combined cycle power plant.

2161 (b) "Electric utility" or "utility" has the same meaning as
2162 that provided in s. 366.8255(1)(a).

2163 (c) "Integrated gasification combined cycle power plant" or
2164 "plant" is an electrical power plant as defined in s. 403.503(14)
2165 which s. 403.503(13) that uses synthesis gas produced by
2166 integrated gasification technology.

2167 (c)(d) "Nuclear power plant" or "plant" means is an
2168 electrical power plant, as defined in s. 403.503(14), which s.
2169 403.503(13) that uses nuclear materials for fuel.

2170 (d)(e) "Power plant" or "plant" means a nuclear power plant
2171 or an integrated gasification combined cycle power plant.

2172 (e)(f) "Preconstruction" is that period of time after a
2173 site, including any related electrical transmission lines or
2174 facilities, has been selected through and including the date the
2175 utility completes site-clearing ~~site-clearing~~ work.

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2176 Preconstruction costs shall be afforded deferred accounting
2177 treatment and shall accrue a carrying charge equal to the
2178 utility's allowance for funds during construction (AFUDC) rate
2179 until recovered in rates.

2180 (2) Within 6 months after the enactment of this act, the
2181 commission shall establish, by rule, alternative cost recovery
2182 mechanisms for the recovery of costs incurred in the siting,
2183 design, licensing, and construction of a nuclear power plant,
2184 including new, expanded, or relocated electrical transmission
2185 lines and facilities that are necessary to serve the nuclear or
2186 integrated gasification combined cycle power plant. Such
2187 mechanisms shall be designed to promote utility investment in
2188 nuclear or integrated gasification combined cycle power plants
2189 and allow for the recovery in rates of all prudently incurred
2190 costs, and shall include, but need ~~are~~ not be limited to:

2191 (a) Recovery through the capacity cost recovery clause of
2192 any preconstruction costs.

2193 (b) Recovery through an incremental increase in the
2194 utility's capacity cost recovery clause rates of the carrying
2195 costs on the utility's projected construction cost balance
2196 associated with the nuclear or integrated gasification combined
2197 cycle power plant. To encourage investment and provide certainty,
2198 for nuclear or integrated gasification combined cycle power plant
2199 need petitions submitted on or before December 31, 2010,
2200 associated carrying costs shall be equal to the pretax AFUDC in
2201 effect upon this act becoming law. For nuclear or integrated
2202 gasification combined cycle power plants for which need petitions
2203 are submitted after December 31, 2010, the utility's existing
2204 pretax AFUDC rate is presumed to be appropriate unless determined

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2205 otherwise by the commission in the determination of need for the
2206 nuclear or integrated gasification combined cycle power plant.

2207 (3) After a petition for determination of need is granted,
2208 a utility may petition the commission for cost recovery as
2209 permitted by this section and commission rules.

2210 (4) When the nuclear or integrated gasification combined
2211 cycle power plant is placed in commercial service, the utility
2212 shall be allowed to increase its base rate charges by the
2213 projected annual revenue requirements of the nuclear or
2214 integrated gasification combined cycle power plant based on the
2215 jurisdictional annual revenue requirements of the plant for the
2216 first 12 months of operation. The rate of return on capital
2217 investments shall be calculated using the utility's rate of
2218 return last approved by the commission prior to the commercial
2219 inservice date of the nuclear or integrated gasification combined
2220 cycle power plant. If any existing generating plant is retired as
2221 a result of operation of the nuclear or integrated gasification
2222 combined cycle power plant, the commission shall allow for the
2223 recovery, through an increase in base rate charges, of the net
2224 book value of the retired plant over a period not to exceed 5
2225 years.

2226 (5) The utility shall report to the commission annually the
2227 budgeted and actual costs as compared to the estimated inservice
2228 cost of the nuclear or integrated gasification combined cycle
2229 power plant provided by the utility pursuant to s. 403.519(4),
2230 until the commercial operation of the nuclear or integrated
2231 gasification combined cycle power plant. The utility shall
2232 provide such information on an annual basis following the final
2233 order by the commission approving the determination of need for

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2234 the nuclear or integrated gasification combined cycle power
2235 plant, with the understanding that some costs may be higher than
2236 estimated and other costs may be lower.

2237 (6) ~~If In the event~~ the utility elects not to complete or
2238 is precluded from completing construction of the nuclear power
2239 plant, including any new, expanded, or relocated electrical
2240 transmission lines or facilities or integrated gasification
2241 combined cycle power plant, the utility shall be allowed to
2242 recover all prudent preconstruction and construction costs
2243 incurred following the commission's issuance of a final order
2244 granting a determination of need for the nuclear power plant and
2245 electrical transmission lines and facilities or integrated
2246 gasification combined cycle power plant. The utility shall
2247 recover such costs through the capacity cost recovery clause over
2248 a period equal to the period during which the costs were incurred
2249 or 5 years, whichever is greater. The unrecovered balance during
2250 the recovery period will accrue interest at the utility's
2251 weighted average cost of capital as reported in the commission's
2252 earnings surveillance reporting requirement for the prior year.

2253 Section 32. Section 377.601, Florida Statutes, is amended
2254 to read:

2255 377.601 Legislative intent.--

2256 (1) The Legislature finds that this state's energy security
2257 can be increased by lessening dependence on foreign oil, that the
2258 impacts of global climate change can be reduced through the
2259 reduction of greenhouse gas emissions, and that the
2260 implementation of alternative energy technologies can be the
2261 source of new jobs and employment opportunities for many
2262 Floridians. The Legislature further finds that this state is

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2263 positioned at the front line against potential impacts of global
2264 climate change. Human and economic costs of those impacts can be
2265 averted and, where necessary, adapted to by a concerted effort to
2266 make this state's communities more resilient and less vulnerable
2267 to these impacts. In focusing the government's policy and efforts
2268 to protect this state, its residents, and resources, the
2269 Legislature believes that a single government entity that has
2270 energy and climate change as its specific focus is both desirable
2271 and advantageous. ~~the ability to deal effectively with present~~
2272 ~~shortages of resources used in the production of energy is~~
2273 ~~aggravated and intensified because of inadequate or nonexistent~~
2274 ~~information and that intelligent response to these problems and~~
2275 ~~to the development of a state energy policy demands accurate and~~
2276 ~~relevant information concerning energy supply, distribution, and~~
2277 ~~use. The Legislature finds and declares that a procedure for the~~
2278 ~~collection and analysis of data on the energy flow in this state~~
2279 ~~is essential to the development and maintenance of an energy~~
2280 ~~profile defining the characteristics and magnitudes of present~~
2281 ~~and future energy demands and availability so that the state may~~
2282 ~~rationally deal with present energy problems and anticipate~~
2283 ~~future energy problems.~~

2284 ~~(2) The Legislature further recognizes that every state~~
2285 ~~official dealing with energy problems should have current and~~
2286 ~~reliable information on the types and quantity of energy~~
2287 ~~resources produced, imported, converted, distributed, exported,~~
2288 ~~stored, held in reserve, or consumed within the state.~~

2289 ~~(3) It is the intent of the Legislature in the passage of~~
2290 ~~this act to provide the necessary mechanisms for the effective~~
2291 ~~development of information necessary to rectify the present lack~~

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2292 ~~of information which is seriously handicapping the state's~~
2293 ~~ability to deal effectively with the energy problem. To this end,~~
2294 ~~the provisions of ss. 377.601-377.608 should be given the~~
2295 ~~broadest possible interpretation consistent with the stated~~
2296 ~~legislative desire to procure vital information.~~

2297 (2)(4) It is the policy of the State of Florida to:

2298 (a) Recognize and address the potential impacts of global
2299 climate change wherever possible. ~~Develop and promote the~~
2300 ~~effective use of energy in the state and discourage all forms of~~
2301 ~~energy waste.~~

2302 (b) Play a leading role in developing and instituting
2303 energy management programs aimed at promoting energy
2304 conservation, energy security, and the reduction of greenhouse
2305 gas emissions.

2306 (c) Include energy considerations in all state, regional,
2307 and local planning.

2308 (d) Utilize and manage effectively energy resources used
2309 within state agencies.

2310 (e) Encourage local governments to include energy
2311 considerations in all planning and to support their work in
2312 promoting energy management programs.

2313 (f) Include the full participation of citizens in the
2314 development and implementation of energy programs.

2315 (g) Consider in its decisions the energy needs of each
2316 economic sector, including residential, industrial, commercial,
2317 agricultural, and governmental uses, and to reduce those needs
2318 whenever possible.

2319 (h) Promote energy education and the public dissemination
2320 of information on energy and its environmental, economic, and

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2321 | social impact.

2322 | (i) Encourage the research, development, demonstration, and
2323 | application of alternative energy resources, particularly
2324 | renewable energy resources.

2325 | (j) Consider, in its decisionmaking, the social, economic,
2326 | security, and environmental impacts of energy-related activities,
2327 | including the whole life-cycle impacts of any potential energy
2328 | use choices, so that detrimental effects of these activities are
2329 | understood and minimized.

2330 | (k) Develop and maintain energy emergency preparedness
2331 | plans to minimize the effects of an energy shortage within
2332 | Florida.

2333 | Section 33. Section 377.6015, Florida Statutes, is created
2334 | to read:

2335 | 377.6015 Florida Energy and Climate Commission.--

2336 | (1) The Florida Energy and Climate Commission is created
2337 | and shall be located within the Executive Office of the Governor.
2338 | The commission shall be comprised of seven members, and shall be
2339 | appointed by the Governor pursuant to paragraphs (a) and (b).

2340 | (a) The Governor shall select from three persons nominated
2341 | by the Florida Public Service Commission Nominating Council,
2342 | created in s. 350.031, for each seat on the commission; however,
2343 | in order to expedite the seating of the commission upon
2344 | implementation of this act, the Governor shall select seven
2345 | persons, including the chair, from a list of 21 persons provided
2346 | by the council.

2347 | 1. The council shall submit the recommendations to the
2348 | Governor by September 1 of those years in which the terms are to
2349 | begin the following October, or within 60 days after a vacancy

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2350 occurs for any reason other than the expiration of the term.

2351 2. The Governor shall fill a vacancy occurring on the
2352 commission by appointment of one of the applicants nominated by
2353 the council only after a background investigation of such
2354 applicant has been conducted by the Department of Law
2355 Enforcement.

2356 3. Members shall be appointed to 3-year terms; however, in
2357 order to establish staggered terms, for the initial appointments,
2358 the Governor shall appoint four members to 3-year terms, two
2359 members to 2-year terms, and one member to a 1-year term.

2360 4. The Governor shall select the chair of the commission
2361 from among the members appointed.

2362 5. Vacancies on the commission shall be filled for the
2363 unexpired portion of the time in the same manner as original
2364 appointments to the commission.

2365 6. If the Governor has not made an appointment within 30
2366 consecutive calendar days after the receipt of the
2367 recommendation, the council shall initiate, in accordance with
2368 this section, the nominating process within 30 days.

2369 7. Each appointment to the commission shall be subject to
2370 confirmation by the Senate during the next regular session after
2371 the vacancy occurs. If the Senate refuses to confirm or fails to
2372 consider the Governor's appointment, the council shall initiate,
2373 in accordance with this section, the nominating process within 30
2374 days.

2375 8. When the Governor makes an appointment and that
2376 appointment has not been confirmed by the Senate before the
2377 appointing Governor's term ends, a successor Governor may, within
2378 30 days after taking office, recall the appointment and, prior to

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2379 the first day of the next regular session, make a replacement
2380 appointment from the list provided to the previous Governor by
2381 the council. Such an appointment is subject to confirmation by
2382 the Senate at the next regular session following the creation of
2383 the vacancy to which the appointments are being made. If the
2384 replacement appointment is not timely made, or if the appointment
2385 is not confirmed by the Senate for any reason, the council, by
2386 majority vote, shall appoint, within 30 days after the
2387 Legislature adjourns sine die, one person from the applicants
2388 previously nominated to the Governor to fill the vacancy, and
2389 this appointee is subject to confirmation by the Senate during
2390 the next regular session following the appointment.

2391 (b) Members must meet the following qualifications and
2392 restrictions:

2393 1. A member must be an expert in one or more of the
2394 following fields: energy, natural resource conservation,
2395 economics, engineering, finance, law, transportation and land
2396 use, consumer protection, state energy policy, or another field
2397 substantially related to the duties and functions of the
2398 commission. The commission shall fairly represent the fields
2399 specified in this subparagraph.

2400 2. Each member shall, at the time of appointment and at
2401 each commission meeting during his or her term of office,
2402 disclose:

2403 a. Whether he or she has any financial interest, other than
2404 ownership of shares in a mutual fund, in any business entity
2405 that, directly or indirectly, owns or controls, or is an
2406 affiliate or subsidiary of, any business entity that may be
2407 affected by the policy recommendations developed by the

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2408 commission.

2409 b. Whether he or she is employed by or is engaged in any
2410 business activity with any business entity that, directly or
2411 indirectly, owns or controls, or is an affiliate or subsidiary
2412 of, any business entity that may be affected by the policy
2413 recommendations developed by the commission.

2414 (c) The chair may designate ex officio, nonvoting members
2415 to provide information and advice to the commission. The
2416 following shall serve as ex officio, nonvoting members and may
2417 provide information and advice at the request of the chair:

2418 1. The chair of the Florida Public Service Commission, or
2419 designee;

2420 2. The Public Counsel, or designee;

2421 3. A representative of the Department of Agriculture and
2422 Consumer Services;

2423 4. A representative of the Department of Community Affairs;

2424 5. A representative of Department of Environmental
2425 Protection;

2426 6. A representative of Department of Transportation;

2427 7. A representative of the Department of Financial
2428 Services; and

2429 8. The presidents or their designee, of the University of
2430 Florida, Florida State University, the University of South
2431 Florida, the University of Central Florida, and Florida Atlantic
2432 University.

2433 (2) Members shall serve without compensation, but are
2434 entitled to reimbursement for per diem and travel expenses as
2435 provided in s. 112.061.

2436 (3) Meetings of the commission may be held in various

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2437 locations around the state and at the call of the chair; however,
2438 the commission must meet at least six times each year.

2439 (4) (a) The commission may employ staff and counsel as
2440 needed in the performance of its duties. The commission may
2441 prosecute and defend legal actions in its own name.

2442 (b) The commission may form advisory groups consisting of
2443 members of the public to provide information on specific issues.

2444 (5) The commission shall:

2445 (a) Administer the Florida Renewable Energy and Biofuels
2446 Grant Programs authorized under ss. 377.804 and 570.957 to ensure
2447 a robust grant portfolio;

2448 (b) Develop policy recommendations for requiring grantees
2449 to provide royalty-sharing or licensing agreements with state
2450 government for commercialized products developed under a state
2451 grant;

2452 (c) Administer the information gathering and reporting
2453 functions pursuant to ss. 377.601-377.608;

2454 (d) Administer the petroleum planning and emergency
2455 contingency planning pursuant to ss. 377.703-377.704;

2456 (e) Represent Florida in the Southern States Energy Compact
2457 pursuant to ss. 377.71-377.712;

2458 (f) Complete the annual assessment of the efficacy of
2459 Florida's Energy and Climate Change Action Plan, upon completion
2460 by the Governor's Action Team, pursuant to the Governor's
2461 Executive Order 2007-128, and provide specific recommendations to
2462 the Governor and the Legislature each year to improve results.

2463 (g) Administer the provisions of the Florida Renewable
2464 Energy Technologies and Energy Efficiency Act as provided in ss.
2465 377.801-377.808.

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2466 (h) Advocate for energy and climate change issues and
2467 provide educational outreach and technical assistance in
2468 cooperation with Florida's academic institutions.

2469 (i) Oversee the Florida Energy Systems Consortium created
2470 in s. 1004.648.

2471 (j) Adopt rules pursuant to chapter 120 in order to
2472 implement all powers and duties described in this chapter.

2473 Section 34. Subsection (2) of section 377.602, Florida
2474 Statutes, is amended to read:

2475 377.602 Definitions.--As used in ss. 377.601-377.608:

2476 (2) "Commission" means the Florida Energy and Climate
2477 Commission ~~"Department" means the Department of Environmental~~
2478 ~~Protection.~~

2479 Section 35. Section 377.603, Florida Statutes, is amended
2480 to read:

2481 377.603 Energy data collection; powers and duties of the
2482 Florida Energy and Climate Commission ~~Department of Environmental~~
2483 ~~Protection.--~~

2484 (1) The commission may ~~department shall~~ collect data on the
2485 extraction, production, importation, exportation, refinement,
2486 transportation, transmission, conversion, storage, sale, or
2487 reserves of energy resources in this state in an efficient and
2488 expeditious manner.

2489 (2) The commission may ~~department shall~~ prepare periodic
2490 reports of energy data it collects.

2491 ~~(3) The department shall prescribe and furnish forms for~~
2492 ~~the collection of information as required by ss. 377.601-377.608~~
2493 ~~and shall consult with other state entities to assure that such~~
2494 ~~data collected will meet their data requirements.~~

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2495 (3)~~(4)~~ The commission ~~department~~ may adopt and promulgate
2496 such rules and regulations as are necessary to carry out the
2497 provisions of ss. 377.601-377.608. Such rules shall be pursuant
2498 to chapter 120.

2499 (4)~~(5)~~ The commission ~~department~~ shall maintain internal
2500 validation procedures to assure the accuracy of information
2501 received.

2502 Section 36. Section 377.604, Florida Statutes, is amended
2503 to read:

2504 377.604 Required reports.--Every person who produces,
2505 imports, exports, refines, transports, transmits, converts,
2506 stores, sells, or holds known reserves of any form of energy
2507 resources used as fuel shall report to the commission, at the
2508 request of the commission, department at a frequency set, and in
2509 a manner prescribed, by the commission department, and on forms
2510 provided by the commission department and prepared with the
2511 advice of representatives of the energy industry. Such forms
2512 shall be designed in such a manner as to indicate:

2513 (1) The identity of the person or persons making the
2514 report.

2515 (2) The quantity of energy resources extracted, produced,
2516 imported, exported, refined, transported, transmitted, converted,
2517 stored, or sold except at retail.

2518 (3) The quantity of energy resources known to be held in
2519 reserve in the state.

2520 (4) The identity of each refinery from which petroleum
2521 products have normally been obtained and the type and quantity of
2522 products secured from that refinery for sale or resale in this
2523 state.

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2524 (5) Any other information which the commission ~~department~~
2525 deems proper pursuant to the intent of ss. 377.601-377.608.

2526 Section 37. Section 377.605, Florida Statutes, is amended
2527 to read:

2528 377.605 Use of existing information.--The commission may
2529 use ~~department shall utilize~~ to the fullest extent possible any
2530 existing energy information already prepared for state or federal
2531 agencies. Every state, county, and municipal agency shall
2532 cooperate with the commission, ~~department~~ and shall submit any
2533 information on energy to the commission ~~department~~ upon request.

2534 Section 38. Section 377.606, Florida Statutes, is amended
2535 to read:

2536 377.606 Records of the commission ~~department~~; limits of
2537 confidentiality.--The information or records of individual
2538 persons, as defined herein, obtained by the commission ~~department~~
2539 as a result of a report, investigation, or verification required
2540 by the commission ~~department~~, shall be open to the public, except
2541 such information the disclosure of which would be likely to cause
2542 substantial harm to the competitive position of the person
2543 providing such information and which is requested to be held
2544 confidential by the person providing such information. Such
2545 proprietary information is confidential and exempt from the
2546 provisions of s. 119.07(1). Information reported by entities
2547 other than the commission ~~department~~ in documents or reports open
2548 to public inspection shall under no circumstances be classified
2549 as confidential by the commission ~~department~~. Divulgence of
2550 proprietary information as is requested to be held confidential,
2551 except upon order of a court of competent jurisdiction or except
2552 to an officer of the state entitled to receive the same in his or

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2553 her official capacity, shall be a misdemeanor of the second
2554 degree, punishable as provided in ss. 775.082 and 775.083.
2555 Nothing herein shall be construed to prohibit the publication or
2556 divulgence by other means of data so classified as to prevent
2557 identification of particular accounts or reports made to the
2558 department in compliance with s. 377.603 or to prohibit the
2559 disclosure of such information to properly qualified legislative
2560 committees. The commission ~~department~~ shall establish a system
2561 that ~~which~~ permits reasonable access to information developed.

2562 Section 39. Section 377.703, Florida Statutes, is amended
2563 to read:

2564 377.703 Additional functions of the Florida Energy and
2565 Climate Commission ~~Department of Environmental Protection~~; energy
2566 emergency contingency plan; federal and state conservation
2567 programs.--

2568 (1) LEGISLATIVE INTENT.--Recognizing that energy supply and
2569 demand questions have become a major area of concern to the state
2570 which must be dealt with by effective and well-coordinated state
2571 action, it is the intent of the Legislature to promote the
2572 efficient, effective, and economical management of energy
2573 problems, centralize energy coordination responsibilities,
2574 pinpoint responsibility for conducting energy programs, and
2575 ensure the accountability of state agencies for the
2576 implementation of s. 377.601 ~~s. 377.601(4)~~, the state energy
2577 policy. It is the specific intent of the Legislature that nothing
2578 in this act shall in any way change the powers, duties, and
2579 responsibilities assigned by the Florida Electrical Power Plant
2580 Siting Act, part II of chapter 403, or the powers, duties, and
2581 responsibilities of the Florida Public Service Commission.

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2582 (2) DEFINITIONS.--

2583 (a) "Coordinate," "coordination," or "coordinating" means
2584 the examination and evaluation of state plans and programs and
2585 the providing of recommendations to the Cabinet, Legislature, and
2586 appropriate state agency on any measures deemed necessary to
2587 ensure that such plans and programs are consistent with state
2588 energy policy.

2589 (b) "Energy conservation" means increased efficiency in the
2590 utilization of energy.

2591 (c) "Energy emergency" means an actual or impending
2592 shortage or curtailment of usable, necessary energy resources,
2593 such that the maintenance of necessary services, the protection
2594 of public health, safety, and welfare, or the maintenance of
2595 basic sound economy is imperiled in any geographical section of
2596 the state or throughout the entire state.

2597 (d) "Energy source" means electricity, fossil fuels, solar
2598 power, wind power, hydroelectric power, nuclear power, or any
2599 other resource which has the capacity to do work.

2600 (e) "Facilities" means any building or structure not
2601 otherwise exempted by the provisions of this act.

2602 (f) "Fuel" means petroleum, crude oil, petroleum product,
2603 coal, natural gas, or any other substance used primarily for its
2604 energy content.

2605 (g) "Local government" means any county, municipality,
2606 regional planning agency, or other special district or local
2607 governmental entity the policies or programs of which may affect
2608 the supply or demand, or both, for energy in the state.

2609 (h) "Promotion" or "promote" means to encourage, aid,
2610 assist, provide technical and financial assistance, or otherwise

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2611 seek to plan, develop, and expand.

2612 (i) "Regional planning agency" means those agencies
2613 designated as regional planning agencies by the Department of
2614 Community Affairs.

2615 (j) "Renewable energy resource" means any method, process,
2616 or substance the use of which does not diminish its availability
2617 or abundance, including, but not limited to, biomass conversion,
2618 geothermal energy, solar energy, wind energy, wood fuels derived
2619 from waste, ocean thermal gradient power, hydroelectric power,
2620 and fuels derived from agricultural products.

2621 (3) FLORIDA ENERGY AND CLIMATE COMMISSION ~~DEPARTMENT OF~~
2622 ~~ENVIRONMENTAL PROTECTION~~; DUTIES.--The commission ~~Department of~~
2623 ~~Environmental Protection~~ shall, ~~in addition to assuming the~~
2624 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
2625 perform the following functions consistent with the development
2626 of a state energy policy:

2627 (a) The commission ~~department~~ shall assume the
2628 responsibility for development of an energy emergency contingency
2629 plan to respond to serious shortages of primary and secondary
2630 energy sources. Upon a finding by the Governor, implementation of
2631 any emergency program shall be upon order of the Governor that a
2632 particular kind or type of fuel is, or that the occurrence of an
2633 event that ~~which~~ is reasonably expected within 30 days will make
2634 the fuel, in short supply. The commission ~~department~~ shall then
2635 respond by instituting the appropriate measures of the
2636 contingency plan to meet the given emergency or energy shortage.
2637 The Governor may utilize the provisions of s. 252.36(5) to carry
2638 out any emergency actions required by a serious shortage of
2639 energy sources.

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2640 (b) The commission ~~department~~ shall constitute the
2641 responsible state agency for performing or coordinating the
2642 functions of any federal energy programs delegated to the state,
2643 including energy supply, demand, conservation, or allocation.

2644 (c) The commission ~~department~~ shall analyze present and
2645 proposed federal energy programs and make recommendations
2646 regarding those programs to the Governor.

2647 (d) The commission ~~department~~ shall coordinate efforts to
2648 seek federal support or other support for state energy
2649 activities, including energy conservation, research, or
2650 development, and shall be the state agency responsible for the
2651 coordination of multiagency energy conservation programs and
2652 plans.

2653 (e) The commission ~~department~~ shall analyze energy data
2654 collected and prepare long-range forecasts of energy supply and
2655 demand in coordination with the Florida Public Service
2656 Commission, which shall have responsibility for electricity and
2657 natural gas forecasts. To this end, the forecasts shall contain:

2658 1. An analysis of the relationship of state economic growth
2659 and development to energy supply and demand, including the
2660 constraints to economic growth resulting from energy supply
2661 constraints.

2662 2. Plans for the development of renewable energy resources
2663 and reduction in dependence on depletable energy resources,
2664 particularly oil and natural gas, and an analysis of the extent
2665 to which renewable energy sources are being utilized in the
2666 state.

2667 3. Consideration of alternative scenarios of statewide
2668 energy supply and demand for 5, 10, and 20 years, to identify

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2669 strategies for long-range action, including identification of
2670 potential social, economic, and environmental effects.

2671 4. An assessment of the state's energy resources, including
2672 examination of the availability of commercially developable and
2673 imported fuels, and an analysis of anticipated effects on the
2674 state's environment and social services resulting from energy
2675 resource development activities or from energy supply
2676 constraints, or both.

2677 (f) The commission ~~department~~ shall make a report, as
2678 requested by the Governor or the Legislature, reflecting its
2679 activities and making recommendations of policies for improvement
2680 of the state's response to energy supply and demand and its
2681 effect on the health, safety, and welfare of the people of
2682 Florida. The report shall include a report from the Florida
2683 Public Service Commission on electricity and natural gas and
2684 information on energy conservation programs conducted and under
2685 way in the past year and shall include recommendations for energy
2686 conservation programs for the state, including, but not limited
2687 to, the following factors:

2688 1. Formulation of specific recommendations for improvement
2689 in the efficiency of energy utilization in governmental,
2690 residential, commercial, industrial, and transportation sectors.

2691 2. Collection and dissemination of information relating to
2692 energy conservation.

2693 3. Development and conduct of educational and training
2694 programs relating to energy conservation.

2695 4. An analysis of the ways in which state agencies are
2696 seeking to implement s. 377.601 ~~s. 377.601(4)~~, the state energy
2697 policy, and recommendations for better fulfilling this policy.

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2698 (g) The commission ~~department~~ has authority to adopt rules
2699 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
2700 of this act.

2701 (h) The commission shall promote the development and use of
2702 renewable energy resources, in conformance with the provisions of
2703 chapter 187 and s. 377.601, by:

2704 1. Establishing goals and strategies for increasing the use
2705 of solar energy in this state.

2706 2. Aiding and promoting the commercialization of solar
2707 energy technology, in cooperation with the Florida Solar Energy
2708 Center, Enterprise Florida, Inc., and any other federal, state,
2709 or local governmental agency which may seek to promote research,
2710 development, and demonstration of solar energy equipment and
2711 technology.

2712 3. Identifying barriers to greater use of solar energy
2713 systems in this state, and developing specific recommendations
2714 for overcoming identified barriers, with findings and
2715 recommendations to be submitted annually in the report to the
2716 Legislature required under paragraph (f).

2717 4. In cooperation with the Department of Environmental
2718 Protection, the Department of Transportation, the Department of
2719 Community Affairs, Enterprise Florida, Inc., the Florida Solar
2720 Energy Center, and the Florida Solar Energy Industries
2721 Association, investigating opportunities, pursuant to the
2722 National Energy Policy Act of 1992, ~~and~~ the Housing and Community
2723 Development Act of 1992, and any subsequent federal legislation,
2724 for solar electric vehicles and other solar energy manufacturing,
2725 distribution, installation, and financing efforts that ~~which~~ will
2726 enhance this state's position as the leader in solar energy

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2727 | research, development, and use.

2728 | 5. Undertaking other initiatives to advance the development
2729 | and use of renewable energy resources in this state.

2730 |

2731 | In the exercise of its responsibilities under this paragraph, the
2732 | commission ~~department~~ shall seek the assistance of the solar
2733 | energy industry in this state and other interested parties and is
2734 | authorized to enter into contracts, retain professional
2735 | consulting services, and expend funds appropriated by the
2736 | Legislature for such purposes.

2737 | (i) The commission ~~department~~ shall promote energy
2738 | conservation in all energy use sectors throughout the state and
2739 | shall constitute the state agency primarily responsible for this
2740 | function. To this end, the commission ~~department~~ shall coordinate
2741 | the energy conservation programs of all state agencies and review
2742 | and comment on the energy conservation programs of all state
2743 | agencies.

2744 | (j) The commission ~~department~~ shall serve as the state
2745 | clearinghouse for indexing and gathering all information related
2746 | to energy programs in state universities, in private
2747 | universities, in federal, state, and local government agencies,
2748 | and in private industry and shall prepare and distribute such
2749 | information in any manner necessary to inform and advise the
2750 | citizens of the state of such programs and activities. This shall
2751 | include developing and maintaining a current index and profile of
2752 | all research activities, which shall be identified by energy area
2753 | and may include a summary of the project, the amount and sources
2754 | of funding, anticipated completion dates, or, in case of
2755 | completed research, conclusions, recommendations, and

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2756 applicability to state government and private sector functions.
2757 The commission ~~department~~ shall coordinate, promote, and respond
2758 to efforts by all sectors of the economy to seek financial
2759 support for energy activities. The commission ~~department~~ shall
2760 provide information to consumers regarding the anticipated
2761 energy-use and energy-saving characteristics of products and
2762 services in coordination with any federal, state, or local
2763 governmental agencies as may provide such information to
2764 consumers.

2765 (k) The commission ~~department~~ shall coordinate energy-
2766 related programs of state government, including, but not limited
2767 to, the programs provided in this section. To this end, the
2768 commission ~~department~~ shall:

2769 1. Provide assistance to other state agencies, counties,
2770 municipalities, and regional planning agencies to further and
2771 promote their energy planning activities.

2772 2. Require, in cooperation with the Department of
2773 Management Services, all state agencies to operate state-owned
2774 and state-leased buildings in accordance with energy conservation
2775 standards as adopted by the Department of Management Services.
2776 Every 3 months, the Department of Management Services shall
2777 furnish the commission ~~department~~ data on agencies' energy
2778 consumption in a format prescribed by the commission ~~mutually~~
2779 ~~agreed upon by the two departments.~~

2780 3. Promote the development and use of renewable energy
2781 resources, energy efficiency technologies, and conservation
2782 measures.

2783 4. Promote the recovery of energy from wastes, including,
2784 but not limited to, the use of waste heat, the use of

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2785 agricultural products as a source of energy, and recycling of
2786 manufactured products. Such promotion shall be conducted in
2787 conjunction with, and after consultation with, the Department of
2788 Environmental Protection, the Florida Public Service Commission
2789 where electrical generation or natural gas is involved, and any
2790 other relevant federal, state, or local governmental agency
2791 having responsibility for resource recovery programs.

2792 (l) The commission ~~department~~ shall develop, coordinate,
2793 and promote a comprehensive research plan for state programs.
2794 Such plan shall be consistent with state energy policy and shall
2795 be updated on a biennial basis.

2796 (m) In recognition of the devastation to the economy of
2797 this state and the dangers to the health and welfare of residents
2798 of this state caused by severe hurricanes ~~Hurricane Andrew~~, and
2799 the potential for such impacts caused by other natural disasters,
2800 the commission ~~department~~ shall include in its energy emergency
2801 contingency plan and provide to the Florida Building Commission
2802 ~~Department of Community Affairs~~ for inclusion in the Florida
2803 Energy Efficiency Code for Building Construction ~~state model~~
2804 ~~energy efficiency building code~~ specific provisions to facilitate
2805 the use of cost-effective solar energy technologies as emergency
2806 remedial and preventive measures for providing electric power,
2807 street lighting, and water heating service in the event of
2808 electric power outages.

2809 (4) COASTAL ENERGY IMPACT PROGRAM.--The commission
2810 ~~department~~ shall be responsible for the administration of the
2811 Coastal Energy Impact Program provided for and described in Pub.
2812 L. No. 94-370, 16 U.S.C. s. 1456a.

2813 Section 40. Section 377.803, Florida Statutes, is amended

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2814 to read:

2815 377.803 Definitions.--As used in ss. 377.801-377.808 ~~ss.~~
2816 ~~377.801-377.806~~, the term:

2817 (1) "Act" means the Florida Renewable Energy Technologies
2818 and Energy Efficiency Act.

2819 ~~(2) "Approved metering equipment" means a device capable of~~
2820 ~~measuring the energy output of a solar thermal system that has~~
2821 ~~been approved by the commission.~~

2822 (2)~~(3)~~ "Commission" means the Florida Energy and Climate
2823 Commission ~~Florida Public Service Commission.~~

2824 ~~(4) "Department" means the Department of Environmental~~
2825 ~~Protection.~~

2826 (3)~~(5)~~ "Person" means an individual, partnership, joint
2827 venture, private or public corporation, association, firm, public
2828 service company, or any other public or private entity.

2829 (4)~~(6)~~ "Renewable energy" means electrical, mechanical, or
2830 thermal energy produced from a method that uses one or more of
2831 the following fuels or energy sources: hydrogen, biomass as
2832 defined in s. 366.91, solar energy, geothermal energy, wind
2833 energy, ocean energy, waste heat, or hydroelectric power.

2834 (5)~~(7)~~ "Renewable energy technology" means any technology
2835 that generates or utilizes a renewable energy resource.

2836 (6)~~(8)~~ "Solar energy system" means equipment that provides
2837 for the collection and use of incident solar energy for water
2838 heating, space heating or cooling, or other applications that
2839 would normally require a conventional source of energy such as
2840 petroleum products, natural gas, or electricity that performs
2841 primarily with solar energy. In other systems in which solar
2842 energy is used in a supplemental way, only those components that

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2843 collect and transfer solar energy shall be included in this
2844 definition.

2845 ~~(7)-(9)~~ "Solar photovoltaic system" means a device that
2846 converts incident sunlight into electrical current.

2847 ~~(8)-(10)~~ "Solar thermal system" means a device that traps
2848 heat from incident sunlight in order to heat water.

2849 Section 41. Section 377.804, Florida Statutes, is amended
2850 to read:

2851 377.804 Renewable Energy and Energy-Efficient Technologies
2852 Grants Program.--

2853 (1) The Renewable Energy and Energy-Efficient Technologies
2854 Grants Program is established within the commission ~~department~~ to
2855 provide renewable energy matching grants for demonstration,
2856 commercialization, research, and development projects relating to
2857 renewable energy technologies and innovative technologies that
2858 significantly increase energy efficiency for vehicles and
2859 commercial buildings.

2860 (2) Matching grants for renewable energy technology
2861 demonstration, commercialization, research, and development
2862 projects may be made to any of the following:

2863 (a) Municipalities and county governments.

2864 (b) Established for-profit companies licensed to do
2865 business in the state.

2866 (c) Universities and colleges in the state.

2867 (d) Utilities located and operating within the state.

2868 (e) Not-for-profit organizations.

2869 (f) Other qualified persons, as determined by the
2870 commission ~~department~~.

2871 (3) The commission ~~department~~ may adopt rules pursuant to

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2872 ss. 120.536(1) and 120.54 to provide for application
2873 requirements, provide for ranking of applications, ~~and~~ administer
2874 the awarding of grants under this program, and develop policy
2875 requiring grantees to provide royalty-sharing or licensing
2876 agreements with the state for commercialized products developed
2877 under a state grant. All grants may be reviewed by a peer-review
2878 process of experts. Up to 5 percent of the amount of all grants
2879 may be used to pay review expenses, if necessary.

2880 (4) Factors the commission ~~department~~ shall consider in
2881 awarding grants include, but are not limited to:

2882 (a) The availability of matching funds or other in-kind
2883 contributions applied to the total project from an applicant. The
2884 commission ~~department~~ shall give greater preference to projects
2885 that provide such matching funds or other in-kind contributions.

2886 (b) The degree to which the project stimulates in-state
2887 capital investment and economic development in metropolitan and
2888 rural areas, including the creation of jobs and the future
2889 development of a commercial market for renewable energy
2890 technologies.

2891 (c) The extent to which the proposed project has been
2892 demonstrated to be technically feasible based on pilot project
2893 demonstrations, laboratory testing, scientific modeling, or
2894 engineering or chemical theory that supports the proposal.

2895 (d) The degree to which the project incorporates an
2896 innovative new technology or an innovative application of an
2897 existing technology.

2898 (e) The degree to which a project generates thermal,
2899 mechanical, or electrical energy by means of a renewable energy
2900 resource that has substantial long-term production potential.

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2901 (f) The degree to which a project demonstrates efficient
2902 use of energy and material resources.

2903 (g) The degree to which the project fosters overall
2904 understanding and appreciation of renewable energy technologies.

2905 (h) The ability to administer a complete project.

2906 (i) Project duration and timeline for expenditures.

2907 (j) The geographic area in which the project is to be
2908 conducted in relation to other projects.

2909 (k) The degree of public visibility and interaction.

2910 (5) The commission ~~department~~ shall solicit the expertise
2911 of other state agencies in evaluating project proposals. State
2912 agencies shall cooperate with the commission ~~Department of~~
2913 ~~Environmental Protection~~ and provide such assistance as
2914 requested.

2915 (6) Each application must be accompanied by an affidavit
2916 from the applicant attesting to the veracity of the statements
2917 contained in the application.

2918 Section 42. Subsection (6) of section 377.804, Florida
2919 Statutes, as revived by section 52 of chapter 2007-73, Laws of
2920 Florida, is repealed.

2921 Section 43. Section 377.806, Florida Statutes, is amended
2922 to read:

2923 377.806 Solar Energy System Incentives Program.--

2924 (1) PURPOSE.--The Solar Energy System Incentives Program is
2925 established within the commission ~~department~~ to provide financial
2926 incentives for the purchase and installation of solar energy
2927 systems. Any resident of the state who purchases and installs a
2928 new solar energy system of 2 kilowatts or larger for a solar
2929 photovoltaic system, a solar energy system that provides at least

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2930 50 percent of a building's hot water consumption for a solar
2931 thermal system, or a solar thermal pool heater, from July 1,
2932 2006, through June 30, 2010, is eligible for a rebate on a
2933 portion of the purchase price of that solar energy system.

2934 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

2935 (a) Eligibility requirements.--A solar photovoltaic system
2936 qualifies for a rebate if:

2937 1. The system is installed by a state-licensed master
2938 electrician, electrical contractor, or solar contractor.

2939 2. The system complies with state interconnection standards
2940 as provided by the commission.

2941 3. The system complies with all applicable building codes
2942 as defined by the Florida Building Code ~~local jurisdictional~~
2943 ~~authority~~.

2944 (b) Rebate amounts.--The rebate amount shall be set at \$4
2945 per watt based on the total wattage rating of the system. The
2946 maximum allowable rebate per solar photovoltaic system
2947 installation shall be as follows:

2948 1. Twenty thousand dollars for a residence.

2949 2. One hundred thousand dollars for a place of business, a
2950 publicly owned or operated facility, or a facility owned or
2951 operated by a private, not-for-profit organization, including
2952 condominiums or apartment buildings.

2953 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

2954 (a) Eligibility requirements.--A solar thermal system
2955 qualifies for a rebate if:

2956 1. The system is installed by a state-licensed solar, ~~or~~
2957 plumbing, or roofing contractor installing standing seam hybrid
2958 thermal roofs.

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2959 2. The system complies with all applicable building codes
2960 as defined by the Florida Building Code ~~local jurisdictional~~
2961 ~~authority~~.

2962 (b) Rebate amounts.--Authorized rebates for installation of
2963 solar thermal systems shall be as follows:

2964 1. Five hundred dollars for a residence.

2965 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
2966 for a place of business, a publicly owned or operated facility,
2967 or a facility owned or operated by a private, not-for-profit
2968 organization, including condominiums or apartment buildings. ~~Btu~~
2969 ~~must be verified by approved metering equipment.~~

2970 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

2971 (a) Eligibility requirements.--A solar thermal pool heater
2972 qualifies for a rebate if the system is installed by a state-
2973 licensed solar or plumbing contractor and the system complies
2974 with all applicable building codes as defined by the Florida
2975 Building Code ~~local jurisdictional authority~~.

2976 (b) Rebate amount.--Authorized rebates for installation of
2977 solar thermal pool heaters shall be \$100 per installation.

2978 (5) APPLICATION.--Application for a rebate must be made
2979 within 120 ~~90~~ days after the purchase of the solar energy
2980 equipment.

2981 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
2982 determine and publish on a regular basis the amount of rebate
2983 funds remaining in each fiscal year. The total dollar amount of
2984 all rebates issued ~~by the department~~ is subject to the total
2985 amount of appropriations in any fiscal year for this program. If
2986 funds are insufficient during the current fiscal year, any
2987 requests for rebates received during that fiscal year may be

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2988 processed during the following fiscal year. Requests for rebates
2989 received in a fiscal year that are processed during the following
2990 fiscal year shall be given priority over requests for rebates
2991 received during the following fiscal year.

2992 (7) RULES.--The commission ~~department~~ shall adopt rules
2993 pursuant to ss. 120.536(1) and 120.54 to develop rebate
2994 applications and administer the issuance of rebates.

2995 Section 44. Section 377.808, Florida Statutes, is created
2996 to read:

2997 377.808 Florida Green Government Grants Act.--

2998 (1) This section may be cited as the "Florida Green
2999 Government Grants Act."

3000 (2) The Florida Energy and Climate Commission within the
3001 Executive Office of the Governor shall use funds specifically
3002 appropriated to award grants under this section to assist local
3003 governments, including municipalities, counties, and school
3004 districts, in the development of programs that achieve green
3005 standards. Those standards shall be determined by the commission
3006 and must provide for cost-efficient solutions, reducing
3007 greenhouse gas emissions, improving quality of life, and
3008 strengthening this state's economy.

3009 (3) (a) The commission shall adopt rules pursuant to chapter
3010 120 to administer the grants provided for in this section. In
3011 accordance with the rules adopted by the commission under this
3012 section, the commission may provide grants from funds
3013 specifically appropriated for this purpose to local governments
3014 for the costs of achieving green standards, including necessary
3015 administrative expenses.

3016 (b) The rules of the commission must:

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3017 1. Designate one or more suitable green government
3018 standards framework from which local governments may develop a
3019 greening government initiative, and from which projects may be
3020 eligible for funding pursuant to this statute.

3021 2. Require projects that plan, design, construct, upgrade,
3022 or replace facilities be cost-effective, environmentally sound,
3023 reduce greenhouse gas emissions, and be permissible and
3024 implementable.

3025 3. Require local governments to match state funds with
3026 direct project cost share or in-kind services.

3027 4. Provide for a scale of matching requirements for local
3028 governments on the basis of population in order to assist rural
3029 and undeveloped areas of the state with any financial burden of
3030 addressing climate change impacts.

3031 5. Require grant applications to be submitted on
3032 appropriate forms developed and adopted by the commission with
3033 appropriate supporting documentation and require records to be
3034 maintained.

3035 6. Establish a system to determine the relative priority of
3036 grant applications. The system must consider greenhouse gas
3037 reductions, energy savings and efficiencies, and proven
3038 technologies.

3039 7. Establish requirements for competitive procurement of
3040 engineering and construction services, materials, and equipment.

3041 8. Provide for termination of grants when program
3042 requirements are not met.

3043 (c) Each local government is limited to not more than two
3044 grant applications during each application period announced by
3045 the commission. However, a local government may not have more

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3046 than three active projects expending grant funds during any state
3047 fiscal year.

3048 (d) The commission shall perform adequate overview of each
3049 grant, which may include technical review, site inspections,
3050 disbursement approvals, and auditing to successfully implement
3051 this section.

3052 Section 45. Section 377.901, Florida Statutes, is repealed.

3053 Section 46. The State Energy Program, as authorized and
3054 governed by ss. 20.18, 288.041, 377.601-377.608, 377.701, and
3055 377.703, Florida Statutes, is transferred by a type two transfer,
3056 as defined in s. 20.06(2), Florida Statutes, from the Department
3057 of Environmental Protection to the Florida Energy and Climate
3058 Commission.

3059 Section 47. Section 377.921, Florida Statutes, is created
3060 to read:

3061 377.921 Qualified solar energy system program.--

3062 (1) The Legislature finds that qualified solar energy
3063 systems provide fuel savings and can help protect against future
3064 electricity and natural gas shortages, reduce the state's
3065 dependence on foreign sources of energy, and improve
3066 environmental conditions. The Legislature further finds that the
3067 deployment of qualified solar energy systems advances Florida's
3068 goals of promoting energy efficiency and the development of
3069 renewable energy resources. Therefore, the Legislature finds that
3070 it is in the public interest to encourage public utilities to
3071 develop and implement programs that promote the deployment and
3072 use of qualified solar energy systems.

3073 (2) As used in this section:

3074 (a) "Qualified solar energy system" means a solar thermal

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3075 water heating system installed at a customer's premises by a
3076 public utility. Once installed, ownership of the qualified system
3077 may be retained by the public utility or granted to the customer.

3078 (b) "Public utility" or "utility" means a utility as
3079 defined in s. 366.02(1).

3080 (c) "Eligible program" means a program developed by a
3081 public utility and approved by the commission pursuant to
3082 subsection (5) under which the utility facilitates the
3083 installation of solar thermal water heating systems at a utility
3084 customer's premises.

3085 (d) "Program fuel cost savings" means the total fuel cost
3086 savings that a utility is projected to achieve from all solar
3087 thermal water heating systems installed at a customer's premises
3088 over the life of the qualified solar energy system.

3089 (e) "Program costs" means all costs incurred in
3090 implementing an eligible program, including, but not limited to:

3091 1. In-service capital investments, including the utility's
3092 last authorized rate of return thereon; and

3093 2. Operating and maintenance expense, including, but not
3094 limited to, labor, overhead, materials, advertising, marketing,
3095 customer incentives, or rebates.

3096 (3) Notwithstanding any provision in chapter 366 or rule to
3097 the contrary, a public utility shall be allowed to recover
3098 through the energy conservation cost-recovery clause, either as
3099 period expenses or by capitalizing and amortizing, all prudent
3100 and reasonable program costs incurred in implementing an eligible
3101 program. With respect to any solar hot water heating system, the
3102 amortization period shall be 5 years.

3103 (4) Notwithstanding any provision in chapter 366 or rule to

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3104 the contrary, and in addition to recovery under subsection (3), a
3105 utility shall be allowed to recover through the fuel cost-
3106 recovery clause beginning in the year each solar thermal water
3107 heating system begins operation 50 percent of any such program
3108 fuel cost savings for a period not to exceed 5 years from the
3109 installation date. The remaining 50 percent of fuel saving shall
3110 be returned to the utility's customers through the fuel cost-
3111 recovery clause.

3112 (5) Notwithstanding any provision in chapter 366 or rule to
3113 the contrary, the commission shall enter an order approving a
3114 public utility's qualified solar energy system program if the
3115 utility demonstrates in a petition that:

3116 (a) The qualified solar energy systems to be installed as
3117 part of the program at minimum meet applicable Florida Solar
3118 Energy Center certification requirements.

3119 (b) The qualified solar energy systems are constructed and
3120 installed in conformity with the manufacturer's specifications
3121 and all applicable codes and standards.

3122 (6) Within 60 days after receiving a petition to approve a
3123 qualified solar energy system program, the commission shall
3124 approve the petition or inform the utility of any deficiencies
3125 therein. If the commission informs the utility of deficiencies,
3126 the utility may correct those deficiencies and refile its
3127 petition to approve the qualified solar energy system program.

3128 (7) In order to encourage public utilities to promote the
3129 deployment and use of qualified solar energy systems, the public
3130 utility shall own the renewable attributes or benefits associated
3131 with the energy output of a qualified solar energy system
3132 installed pursuant to an eligible program, including any

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3133 renewable energy credit or other instrument issued as a result of
3134 the utility's eligible program.

3135 (8) This section expires June 30, 2011, unless reenacted by
3136 the Legislature on or before that date. Utilities may not enroll
3137 new customers in the qualified solar energy program after June
3138 30, 2011, unless this section is reenacted.

3139 Section 48. Paragraph (c) of subsection (3) of section
3140 380.23, Florida Statutes, is amended to read:

3141 380.23 Federal consistency.--

3142 (3) Consistency review shall be limited to review of the
3143 following activities, uses, and projects to ensure that such
3144 activities, uses, and projects are conducted in accordance with
3145 the state's coastal management program:

3146 (c) Federally licensed or permitted activities affecting
3147 land or water uses when such activities are in or seaward of the
3148 jurisdiction of local governments required to develop a coastal
3149 zone protection element as provided in s. 380.24 and when such
3150 activities involve:

3151 1. Permits and licenses required under the Rivers and
3152 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3153 2. Permits and licenses required under the Marine
3154 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3155 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3156 3. Permits and licenses required under the Federal Water
3157 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3158 amended, unless such permitting activities have been delegated to
3159 the state pursuant to said act.

3160 4. Permits and licenses relating to the transportation of
3161 hazardous substance materials or transportation and dumping which

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3162 are issued pursuant to the Hazardous Materials Transportation
3163 Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s.
3164 1321, as amended.

3165 5. Permits and licenses required under 15 U.S.C. ss. 717-
3166 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-
3167 1356 for construction and operation of interstate gas pipelines
3168 and storage facilities.

3169 6. Permits and licenses required for the siting and
3170 construction of any new electrical power plants as defined in s.
3171 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
3172 relicensing of hydroelectric power plants under the Federal Power
3173 Act, 16 U.S.C. ss. 791a et seq., as amended.

3174 7. Permits and licenses required under the Mining Law of
3175 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
3176 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
3177 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
3178 amended; the Federal Land Policy and Management Act, 43 U.S.C.
3179 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
3180 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
3181 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
3182 pipelines, geological and geophysical activities, or rights-of-
3183 way on public lands and permits and licenses required under the
3184 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
3185 amended.

3186 8. Permits and licenses for areas leased under the OCS
3187 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
3188 leases and approvals of exploration, development, and production
3189 plans.

3190 9. Permits and licenses required under the Deepwater Port

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3191 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3192 10. Permits required for the taking of marine mammals under
3193 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
3194 s. 1374.

3195 Section 49. Subsection (20) of section 403.031, Florida
3196 Statutes, is amended to read:

3197 403.031 Definitions.--In construing this chapter, or rules
3198 and regulations adopted pursuant hereto, the following words,
3199 phrases, or terms, unless the context otherwise indicates, have
3200 the following meanings:

3201 (20) "Electrical power plant" means, for purposes of this
3202 part of this chapter, any electrical generating facility that
3203 uses any process or fuel and that is owned or operated by an
3204 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
3205 and includes any associated facility that directly supports the
3206 operation of the electrical power plant.

3207 Section 50. Section 403.44, Florida Statutes, is created to
3208 read:

3209 403.44 Florida Climate Protection Act.--

3210 (1) The Legislature finds it is in the best interest of
3211 this state to document, to the greatest extent practicable,
3212 greenhouse gas (GHG) emissions and to pursue a market-based
3213 emissions-abatement program, such as cap-and-trade, to address
3214 GHG emissions reductions.

3215 (2) As used in this section, the term:

3216 (a) "Allowance" means a credit issued by the department
3217 through allotments or auction which represents an authorization
3218 to emit specific amounts of greenhouse gases, as further defined
3219 in department rule.

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3220 (b) "Cap-and-trade" or "emissions trading" means an
3221 administrative approach used to control pollution by providing a
3222 limit on total allowable emissions, providing for allowances to
3223 emit pollutants, and providing for the transfer of the allowances
3224 among pollutant sources as a means of compliance with emission
3225 limits.

3226 (c) "Greenhouse gas" means carbon dioxide, methane,
3227 nitrogen oxide, and fluorinated gases such as hydrofluorocarbons,
3228 perfluorocarbons, and sulfur hexafluoride.

3229 (d) "Leakage" means the offset of emission abatement that
3230 is achieved in one location subject to emission control
3231 regulation by increased emissions in unregulated locations.

3232 (e) "Major emitter" means an electric utility regulated
3233 under this chapter.

3234 (3) A major emitter must use The Climate Registry for
3235 purposes of emission registration and reporting.

3236 (4) The Department of Environmental Protection shall
3237 establish the methodologies, reporting periods, and reporting
3238 systems that must be used when major emitters report to The
3239 Climate Registry. The department may require the use of quality-
3240 assured data from continuous emissions-monitoring systems.

3241 (5) The department may adopt rules for a cap-and-trade
3242 regulatory program to reduce greenhouse gas emissions from major
3243 emitters. When developing the rules, the department shall consult
3244 with the Governor's Action Team on Energy and Climate Change, the
3245 Public Service Commission, and the Florida Energy Commission. The
3246 rules shall not become effective until ratified by the
3247 Legislature.

3248 (6) The rules of the cap-and-trade regulatory program shall

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3249 include, but are not limited to:

3250 (a) A statewide limit or cap on the amount of GHG emissions
3251 emitted by major emitters.

3252 (b) Methods, requirements, and conditions for allocating
3253 the cap among major emitters.

3254 (c) Methods, requirements, and conditions for emissions
3255 allowances and the process for issuing emissions allowances.

3256 (d) The relationship between allowances and the specific
3257 amounts of greenhouse gases they represent.

3258 (e) A process for the trade of allowances between major
3259 emitters, including a registry, tracking, or accounting system
3260 for such trades.

3261 (f) Cost-containment mechanisms in order to reduce price
3262 and cost risks associated with the electric generation market in
3263 this state.

3264 (g) A process to allow the department to exercise its
3265 authority to discourage leakage of GHG emissions to neighboring
3266 states attributable to the implementation of this program.

3267 (h) Provisions for a trial period on the trading of
3268 allowances before full implementation of a trading system.

3269 (i) Other requirements necessary or desirable to implement
3270 this section.

3271 Section 51. Present subsections (3) through (30) of section
3272 403.503, Florida Statutes, are redesignated as subsections (4)
3273 through (31), respectively, a new subsection (3) is added to that
3274 section, and present subsection (10) of that section is amended,
3275 to read:

3276 403.503 Definitions relating to Florida Electrical Power
3277 Plant Siting Act.--As used in this act:

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3278 (3) "Alternate corridor" means an area that is proposed by
3279 the applicant or a third party within which all or part of an
3280 associated electrical transmission line right-of-way is to be
3281 located and that is different from the preferred transmission
3282 line corridor proposed by the applicant. The width of the
3283 alternate corridor proposed for certification for an associated
3284 electrical transmission line may be the width of the proposed
3285 right-of-way or a wider boundary not to exceed a width of 1 mile.
3286 The area within the alternate corridor may be further restricted
3287 as a condition of certification. The alternate corridor may
3288 include alternate electrical substation sites if the applicant
3289 has proposed an electrical substation as part of the portion of
3290 the proposed electrical transmission line.

3291 (11)-~~(10)~~ "Corridor" means the proposed area within which an
3292 associated linear facility right-of-way is to be located. The
3293 width of the corridor proposed for certification as an associated
3294 facility, at the option of the applicant, may be the width of the
3295 right-of-way or a wider boundary, not to exceed a width of 1
3296 mile. The area within the corridor in which a right-of-way may be
3297 located may be further restricted by a condition of
3298 certification. After all property interests required for the
3299 right-of-way have been acquired by the licensee, the boundaries
3300 of the area certified shall narrow to only that land within the
3301 boundaries of the right-of-way. The corridors proposed for
3302 certification shall be those addressed in the application, in
3303 amendments to the application filed under s. 403.5064, and in
3304 notices of acceptance of proposed alternate corridors filed by an
3305 applicant and the department pursuant to s. 403.5271, as
3306 incorporated by reference in s. 403.5064(1)(b), for which the

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3307 required information for the preparation of agency supplemental
3308 reports was filed.

3309 Section 52. Present subsections (9) through (12) of section
3310 403.504, Florida Statutes, are redesignated as subsections (10)
3311 through (13), respectively, and a new subsection (9) is added to
3312 that section, to read:

3313 403.504 Department of Environmental Protection; powers and
3314 duties enumerated.--The department shall have the following
3315 powers and duties in relation to this act:

3316 (9) To determine whether an alternate corridor proposed for
3317 consideration under s. 403.5064(4) is acceptable.

3318 Section 53. Subsection (1) of section 403.506, Florida
3319 Statutes, is amended, and subsection (3) is added to that
3320 section, to read:

3321 403.506 Applicability, thresholds, and certification.--

3322 (1) The provisions of this act shall apply to any
3323 electrical power plant as defined herein, except that the
3324 provisions of this act shall not apply to any electrical power
3325 plant ~~or steam generating plant~~ of less than 75 megawatts in
3326 gross capacity including its associated facilities ~~or to any~~
3327 ~~substation to be constructed as part of an associated~~
3328 ~~transmission line~~ unless the applicant has elected to apply for
3329 certification of such electrical power plant ~~or substation~~ under
3330 this act. The provisions of this act shall not apply to ~~any unit~~
3331 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
3332 aggregate, of an existing exothermic reaction cogeneration
3333 electrical generating facility ~~unit~~ that was exempt from this act
3334 when it was originally built; however, this exemption shall not
3335 apply if the unit uses oil or natural gas for purposes other than

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3336 unit startup. No construction of any new electrical power plant
3337 or expansion in steam generating capacity as measured by an
3338 increase in the maximum electrical generator rating of any
3339 existing electrical power plant may be undertaken after October
3340 1, 1973, without first obtaining certification in the manner as
3341 herein provided, except that this act shall not apply to any such
3342 electrical power plant which is presently operating or under
3343 construction or which has, upon the effective date of chapter 73-
3344 33, Laws of Florida, applied for a permit or certification under
3345 requirements in force prior to the effective date of such act.

3346 (3) An electric utility may obtain separate licenses,
3347 permits, and approvals for the construction of facilities
3348 necessary to construct an electrical power plant without first
3349 obtaining certification under this act if the utility intends to
3350 locate, license, and construct a proposed or expanded electrical
3351 power plant that uses nuclear materials as fuel. Such facilities
3352 may include, but are not limited to, access and onsite roads,
3353 rail lines, electrical transmission facilities to support
3354 construction, and facilities necessary for waterborne delivery of
3355 construction materials and project components. This exemption
3356 applies to such facilities regardless of whether the facilities
3357 are used for operation of the power plant. The applicant shall
3358 file with the department a statement that declares that the
3359 construction of such facilities is necessary for the timely
3360 construction of the proposed electrical power plant and
3361 identifies those facilities that the applicant intends to seek
3362 licenses for and construct prior to or separate from
3363 certification of the project. The facilities may be located
3364 within or off of the site for the proposed electrical power

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3365 plant. The filing of an application under this act does not
3366 affect other applications for separate licenses which are pending
3367 at the time of filing the application. Furthermore, the filing of
3368 an application does not prevent an electric utility from seeking
3369 separate licenses for facilities that are necessary to construct
3370 the electrical power plant. Licenses, permits, or approvals
3371 issued by any state, regional, or local agency for such
3372 facilities shall be incorporated by the department into a final
3373 certification upon completion of construction. Any facilities
3374 necessary for construction of the electrical power plant shall
3375 become part of the certified electrical power plant upon
3376 completion of the electrical power plant's construction. The
3377 exemption in this subsection does not require or authorize agency
3378 rulemaking, and any action taken under this subsection is not
3379 subject to chapter 120. This subsection shall be given
3380 retroactive effect and applies to applications filed after May 1,
3381 2008.

3382 Section 54. Subsections (1) and (4) of section 403.5064,
3383 Florida Statutes, are amended to read:

3384 403.5064 Application; schedules.--

3385 (1) The formal date of filing of a certification
3386 application and commencement of the certification review process
3387 shall be when the applicant submits:

3388 (a) Copies of the certification application in a quantity
3389 and format as prescribed by rule to the department and other
3390 agencies identified in s. 403.507(2) (a).

3391 (b) A statement affirming that the applicant is opting to
3392 allow consideration of alternate corridors for an associated
3393 transmission line corridor. If alternate corridors are allowed,

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3394 at the applicant's option, the portion of the application
3395 addressing associated transmission line corridors shall be
3396 processed pursuant to the schedule set forth in ss. 403.521-
3397 403.526 and 403.5271, including the opportunity for the filing
3398 and review of alternate corridors, if a party proposes alternate
3399 transmission line corridor routes for consideration no later than
3400 115 days before the certification hearing that is scheduled for
3401 the power plant, including any associated transmission line
3402 corridors, in accordance with s. 403.508(2).

3403 (c) ~~(b)~~ The application fee specified under s. 403.518 to
3404 the department.

3405 (4) Within 7 days after the filing of an application, the
3406 department shall prepare a proposed schedule of dates for
3407 determination of completeness, submission of statements of
3408 issues, submittal of final reports, and other significant dates
3409 to be followed during the certification process, including dates
3410 for filing notices of appearance to be a party pursuant to s.
3411 403.508(3). If the application includes one or more associated
3412 transmission line corridors, at the request of the applicant
3413 filed concurrently with the application, the department shall use
3414 the application processing schedule set forth in ss. 403.521-
3415 403.526 and 403.5271 for the associated transmission line
3416 corridors, including the opportunity for the filing and review of
3417 alternate corridors, if a party proposes alternate transmission
3418 line corridor routes for consideration no later than 115 days
3419 before the scheduled certification hearing. Notwithstanding an
3420 applicant's option for the transmission line corridor portion of
3421 its application to be processed under the proposed schedule, only
3422 one certification hearing shall be held for the entire power

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3423 plant in accordance with s. 403.508(2). ~~The proposed This~~
3424 schedule shall be timely provided by the department to the
3425 applicant, the administrative law judge, all agencies identified
3426 pursuant to subsection (2), and all parties. Within 7 days after
3427 the filing of the proposed schedule, the administrative law judge
3428 shall issue an order establishing a schedule for the matters
3429 addressed in the department's proposed schedule and other
3430 appropriate matters, if any.

3431 Section 55. Subsections (1) and (3) of section 403.50665,
3432 Florida Statutes, are amended, and subsection (7) is added to
3433 that section, to read:

3434 403.50665 Land use consistency.--

3435 (1) The applicant shall include in the application a
3436 statement on the consistency of the site, or any directly
3437 associated facilities that constitute a "development," as defined
3438 by s. 380.04, with existing land use plans and zoning ordinances
3439 that were in effect on the date the application was filed and a
3440 full description of such consistency.

3441 (3) If the local government issues a determination that the
3442 proposed electrical power plant and any directly associated
3443 facility is not consistent or in compliance with local land use
3444 plans and zoning ordinances, the applicant may apply to the local
3445 government for the necessary local approval to address the
3446 inconsistencies in the local government's determination. If the
3447 applicant makes such an application to the local government, the
3448 time schedules under this act shall be tolled until the local
3449 government issues its revised determination on land use and
3450 zoning or the applicant otherwise withdraws its application to
3451 the local government. If the applicant applies to the local

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3452 government for necessary local land use or zoning approval, the
3453 local government shall issue a revised determination within 30
3454 days following the conclusion of that local proceeding, and the
3455 time schedules and notice requirements under this act shall apply
3456 to such revised determination.

3457 (7) The issue of land use and zoning consistency for any
3458 alternate intermediate electrical substation that is proposed as
3459 part of an alternate electrical transmission line corridor and
3460 that is accepted by the applicant and the department under s.
3461 403.5271(1)(b) shall be addressed in the supplementary report
3462 prepared by the local government on the proposed alternate
3463 corridor and shall be considered as an issue at any final
3464 certification hearing. If such a proposed intermediate electrical
3465 substation is determined to not be consistent with local land use
3466 plans and zoning ordinances, the alternate electrical substation
3467 shall not be certified.

3468 Section 56. Paragraph (d) of subsection (3) of section
3469 403.509, Florida Statutes, is amended, present subsections (4)
3470 through (6) of that section, are redesignated as subsections (5)
3471 through (7), respectively, and a new subsection (4) is added to
3472 that section, to read:

3473 403.509 Final disposition of application.--

3474 (3) In determining whether an application should be
3475 approved in whole, approved with modifications or conditions, or
3476 denied, the board, or secretary when applicable, shall consider
3477 whether, and the extent to which, the location of the electrical
3478 power plant and directly associated facilities and their
3479 construction and operation will:

3480 (d) Meet the electrical energy needs of the state in an

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3481 orderly, reliable, and timely fashion.

3482 (4) (a) Any transmission line corridor certified by the
3483 board, or secretary if applicable, shall meet the criteria of
3484 this section. When more than one transmission line corridor is
3485 proposed for certification under s. 403.503(10) and meets the
3486 criteria of this section, the board, or secretary if applicable,
3487 shall certify the transmission line corridor that has the least
3488 adverse impact regarding the criteria in subsection (3),
3489 including costs.

3490 (b) If the board, or secretary if applicable, finds that an
3491 alternate corridor rejected pursuant to s. 403.5271 as
3492 incorporated by reference in s. 403.5064(1) (b) meets the criteria
3493 of subsection (3) and has the least adverse impact regarding the
3494 criteria in subsection (3), the board, or secretary if
3495 applicable, shall deny certification or shall allow the applicant
3496 to submit an amended application to include the corridor.

3497 (c) If the board, or secretary if applicable, finds that
3498 two or more of the corridors that comply with subsection (3) have
3499 the least adverse impacts regarding the criteria in subsection
3500 (3), including costs, and that the corridors are substantially
3501 equal in adverse impacts regarding the criteria in subsection
3502 (3), including costs, the board, or secretary if applicable,
3503 shall certify the corridor preferred by the applicant if the
3504 corridor is one proper for certification under s. 403.503(10).

3505 Section 57. Subsection (5) is added to section 403.5115,
3506 Florida Statutes, to read:

3507 403.5115 Public notice.--

3508 (5) A proponent of an alternate corridor shall publish
3509 public notices concerning the filing of a proposal for an

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3510 alternate corridor; the route of the alternate corridor; the
3511 revised time schedules, if any; the filing deadline for a
3512 petition to become a party; and the date of the rescheduled
3513 certification hearing, if necessary. For purposes of this
3514 subsection, all notices must be published in a newspaper or
3515 newspapers of general circulation within the county or counties
3516 affected by the proposed alternate corridor and must comply with
3517 the requirements provided in subsection (2). The notices must be
3518 published at least 45 days before the date of the rescheduled
3519 certification hearing.

3520 Section 58. Subsection (1) of section 403.5175, Florida
3521 Statutes, is amended to read:

3522 403.5175 Existing electrical power plant site
3523 certification.--

3524 (1) An electric utility that owns or operates an existing
3525 electrical power plant as defined in s. 403.503(14) ~~s.~~
3526 ~~403.503(13)~~ may apply for certification of an existing power
3527 plant and its site in order to obtain all agency licenses
3528 necessary to ensure compliance with federal or state
3529 environmental laws and regulation using the centrally
3530 coordinated, one-stop licensing process established by this part.
3531 An application for site certification under this section must be
3532 in the form prescribed by department rule. Applications must be
3533 reviewed and processed using the same procedural steps and
3534 notices as for an application for a new facility, except that a
3535 determination of need by the Public Service Commission is not
3536 required.

3537 Section 59. Subsection (6) is added to section 403.518,
3538 Florida Statutes, to read:

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3539 403.518 Fees; disposition.--The department shall charge the
3540 applicant the following fees, as appropriate, which, unless
3541 otherwise specified, shall be paid into the Florida Permit Fee
3542 Trust Fund:

3543 (6) An application fee for an alternate corridor filed
3544 pursuant to s. 403.5064(4). The application fee shall be \$750 per
3545 mile for each mile of the alternate corridor located within an
3546 existing electric transmission line right-of-way or within an
3547 existing right-of-way for a road, highway, railroad, or other
3548 aboveground linear facility, or \$1,000 per mile for each mile of
3549 an electric transmission line corridor proposed to be located
3550 outside the existing right-of-way.

3551 Section 60. Subsection (4) of section 403.519, Florida
3552 Statutes, is amended to read:

3553 403.519 Exclusive forum for determination of need.--

3554 (4) In making its determination on a proposed electrical
3555 power plant using nuclear materials or synthesis gas produced by
3556 integrated gasification combined cycle power plant as fuel, the
3557 commission shall hold a hearing within 90 days after the filing
3558 of the petition to determine need and shall issue an order
3559 granting or denying the petition within 135 days after the date
3560 of the filing of the petition. The commission shall be the sole
3561 forum for the determination of this matter and the issues
3562 addressed in the petition, which accordingly shall not be
3563 reviewed in any other forum, or in the review of proceedings in
3564 such other forum. In making its determination to either grant or
3565 deny the petition, the commission shall consider the need for
3566 electric system reliability and integrity, including fuel
3567 diversity, the need for base-load generating capacity, the need

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3568 for adequate electricity at a reasonable cost, and whether
3569 renewable energy sources and technologies, as well as
3570 conservation measures, are utilized to the extent reasonably
3571 available.

3572 (a) The applicant's petition shall include:

3573 1. A description of the need for the generation capacity.

3574 2. A description of how the proposed nuclear or integrated
3575 gasification combined cycle power plant will enhance the
3576 reliability of electric power production within the state by
3577 improving the balance of power plant fuel diversity and reducing
3578 Florida's dependence on fuel oil and natural gas.

3579 3. A description of and a nonbinding estimate of the cost
3580 of the nuclear or integrated gasification combined cycle power
3581 plant, including any costs associated with new, enlarged, or
3582 relocated electrical transmission lines or facilities of any size
3583 that are necessary to serve the nuclear power plant.

3584 4. The annualized base revenue requirement for the first 12
3585 months of operation of the nuclear or integrated gasification
3586 combined cycle power plant.

3587 5. Information on whether there were any discussions with
3588 any electric utilities regarding ownership of a portion of the
3589 nuclear or integrated gasification combined cycle power plant by
3590 such electric utilities.

3591 (b) In making its determination, the commission shall take
3592 into account matters within its jurisdiction, which it deems
3593 relevant, including whether the nuclear or integrated
3594 gasification combined cycle power plant will:

3595 1. Provide needed base-load capacity.

3596 2. Enhance the reliability of electric power production

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3597 | within the state by improving the balance of power plant fuel
3598 | diversity and reducing Florida's dependence on fuel oil and
3599 | natural gas.

3600 | 3. Provide the most cost-effective source of power, taking
3601 | into account the need to improve the balance of fuel diversity,
3602 | reduce Florida's dependence on fuel oil and natural gas, reduce
3603 | air emission compliance costs, and contribute to the long-term
3604 | stability and reliability of the electric grid.

3605 | (c) No provision of rule 25-22.082, Florida Administrative
3606 | Code, shall be applicable to a nuclear or integrated gasification
3607 | combined cycle power plant sited under this act, including
3608 | provisions for cost recovery, and an applicant shall not
3609 | otherwise be required to secure competitive proposals for power
3610 | supply prior to making application under this act or receiving a
3611 | determination of need from the commission.

3612 | (d) The commission's determination of need for a nuclear or
3613 | integrated gasification combined cycle power plant shall create a
3614 | presumption of public need and necessity and shall serve as the
3615 | commission's report required by s. 403.507(4)(a). An order
3616 | entered pursuant to this section constitutes final agency action.
3617 | Any petition for reconsideration of a final order on a petition
3618 | for need determination shall be filed within 5 days after the
3619 | date of such order. The commission's final order, including any
3620 | order on reconsideration, shall be reviewable on appeal in the
3621 | Florida Supreme Court. Inasmuch as delay in the determination of
3622 | need will delay siting of a nuclear or integrated gasification
3623 | combined cycle power plant or diminish the opportunity for
3624 | savings to customers under the federal Energy Policy Act of 2005,
3625 | the Supreme Court shall proceed to hear and determine the action

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3626 as expeditiously as practicable and give the action precedence
3627 over matters not accorded similar precedence by law.

3628 (e) After a petition for determination of need for a
3629 nuclear or integrated gasification combined cycle power plant has
3630 been granted, the right of a utility to recover any costs
3631 incurred prior to commercial operation, including, but not
3632 limited to, costs associated with the siting, design, licensing,
3633 or construction of the plant and new, expanded, or relocated
3634 electrical transmission lines or facilities of any size that are
3635 necessary to serve the nuclear power plant, shall not be subject
3636 to challenge unless and only to the extent the commission finds,
3637 based on a preponderance of the evidence adduced at a hearing
3638 before the commission under s. 120.57, that certain costs were
3639 imprudently incurred. Proceeding with the construction of the
3640 nuclear or integrated gasification combined cycle power plant
3641 following an order by the commission approving the need for the
3642 nuclear or integrated gasification combined cycle power plant
3643 under this act shall not constitute or be evidence of imprudence.
3644 Imprudence shall not include any cost increases due to events
3645 beyond the utility's control. Further, a utility's right to
3646 recover costs associated with a nuclear or integrated
3647 gasification combined cycle power plant may not be raised in any
3648 other forum or in the review of proceedings in such other forum.
3649 Costs incurred prior to commercial operation shall be recovered
3650 pursuant to chapter 366.

3651 Section 61. Section 403.7055, Florida Statutes, is created
3652 to read:

3653 403.7055 Methane capture.--

3654 (1) Each county is encouraged to form multicounty regional

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3655 solutions to the capture and reuse or sale of methane gas from
3656 landfills and wastewater treatment facilities.

3657 (2) The department shall provide planning guidelines and
3658 technical assistance to each county to develop and implement such
3659 multicounty efforts.

3660 Section 62. Paragraph (i) of subsection (6) of section
3661 403.814, Florida Statutes, is amended to read:

3662 403.814 General permits; delegation.--

3663 (6) Construction and maintenance of electric transmission
3664 or distribution lines in wetlands by electric utilities, as
3665 defined in s. 366.02, shall be authorized by general permit
3666 provided the following provisions are implemented:

3667 (i) This subsection also applies to transmission lines and
3668 appurtenances certified pursuant to part II of this chapter.
3669 However, the criteria of the general permit shall not otherwise
3670 affect the authority of the siting board to condition
3671 certification of transmission lines as authorized under part II
3672 of this chapter.

3673
3674 Maintenance of existing electric lines and clearing of vegetation
3675 in wetlands conducted without the placement of structures in
3676 wetlands or other dredge and fill activities does not require an
3677 individual or general construction permit. For the purpose of
3678 this subsection, wetlands shall mean the landward extent of
3679 waters of the state regulated under ss. 403.91-403.929 and
3680 isolated and nonisolated wetlands regulated under part IV of
3681 chapter 373. The provisions provided in this subsection apply to
3682 the permitting requirements of the department, any water
3683 management district, and any local government implementing part

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3684 IV of chapter 373 or part VIII of this chapter.

3685 Section 63. Section 489.145, Florida Statutes, is amended
3686 to read:

3687 489.145 Guaranteed energy performance savings
3688 contracting.--

3689 (1) SHORT TITLE.--This section may be cited as the
3690 "Guaranteed Energy, Water, and Wastewater Performance Savings
3691 Contracting Act."

3692 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
3693 investment in energy, water, and wastewater conservation measures
3694 in agency facilities can reduce the amount of energy and water
3695 consumed and wastewater treated and produce immediate and long-
3696 term savings. It is the policy of this state to encourage each
3697 agency agencies to invest in energy, water, and wastewater
3698 efficiency and conservation measures ~~that reduce energy~~
3699 ~~consumption, produce a cost savings for the agency, and improve~~
3700 ~~the quality of indoor air in public facilities and to operate,~~
3701 ~~maintain, and, when economically feasible, build or renovate~~
3702 ~~existing agency facilities in such a manner as to minimize energy~~
3703 and water consumption and wastewater production and maximize
3704 energy, water, and wastewater savings. It is further the policy
3705 of this state to encourage agencies to reinvest any energy
3706 savings resulting from energy, water, and wastewater efficiency
3707 and conservation measures in additional energy, water, and
3708 wastewater conservation measures ~~efforts~~.

3709 (3) DEFINITIONS.--As used in this section, the term:

3710 (a) "Agency" means the state, a municipality, or a
3711 political subdivision.

3712 (b) "Energy conservation measure" means a ~~training program,~~

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3713 facility alteration, or equipment purchase to be used in new
3714 construction, including an addition to ~~an~~ existing facilities or
3715 infrastructure facility, which reduces energy, water, or
3716 wastewater or energy-related operating costs and includes, but is
3717 not limited to:

3718 1. Insulation of the facility structure and systems within
3719 the facility.

3720 2. Storm windows and doors, caulking or weatherstripping,
3721 multiglazed windows and doors, heat-absorbing, or heat-
3722 reflective, glazed and coated window and door systems, additional
3723 glazing, reductions in glass area, and other window and door
3724 system modifications that reduce energy consumption.

3725 3. Automatic energy control systems.

3726 4. Heating, ventilating, or air-conditioning system
3727 modifications or replacements.

3728 5. Replacement or modifications of lighting fixtures to
3729 increase the energy efficiency of the lighting system, which, at
3730 a minimum, must conform to the applicable state or local building
3731 code.

3732 6. Energy recovery systems.

3733 7. Cogeneration systems that produce steam or forms of
3734 energy such as heat, as well as electricity, for use primarily
3735 within a facility or complex of facilities.

3736 8. Energy conservation measures that reduce Btu, kW, or kWh
3737 consumed or that provide long-term operating cost reductions ~~or~~
3738 ~~significantly reduce Btu consumed.~~

3739 9. Renewable energy systems, such as solar, biomass, or
3740 wind systems.

3741 10. Devices that reduce water consumption or sewer charges.

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3742 11. Energy storage systems, such as fuel cells and thermal
3743 storage.

3744 12. Energy generating technologies, such as microturbines.

3745 13. Any other repair, replacement, or upgrade of existing
3746 equipment.

3747 (c) "Energy, water, and wastewater cost savings" means a
3748 measured reduction in the cost of fuel, energy, or water
3749 consumption or wastewater production, and stipulated operation
3750 and maintenance created from the implementation of one or more
3751 energy, water, or wastewater efficiency or conservation measures
3752 when compared with an established baseline for the previous cost
3753 of fuel, energy, or water consumption or wastewater production,
3754 and stipulated operation and maintenance.

3755 (d) "Guaranteed energy, water, and wastewater performance
3756 savings contract" means a contract for the evaluation,
3757 recommendation, and implementation of energy, water, and
3758 wastewater efficiency or conservation measures, which, at a
3759 minimum, shall include:

3760 1. The design and installation of equipment to implement
3761 one or more of such measures and, if applicable, operation and
3762 maintenance of such measures.

3763 2. The amount of any actual annual savings that meet or
3764 exceed total annual contract payments made by the agency for the
3765 contract.

3766 3. The finance charges incurred by the agency over the life
3767 of the contract.

3768 (e) "Guaranteed energy performance savings contractor"
3769 means a person or business that is licensed under chapter 471,
3770 chapter 481, or this chapter, and is experienced in the analysis,

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3771 design, implementation, or installation of energy conservation
3772 measures through energy performance contracts.

3773 (f) "Investment grade energy audit" means a detailed
3774 energy, water, and wastewater audit, along with an accompanying
3775 analysis of proposed energy, water, and wastewater conservation
3776 measures, and their costs, savings, and benefits prior to entry
3777 into an energy savings contract.

3778 (4) PROCEDURES.--

3779 (a) An agency may enter into a guaranteed ~~energy~~
3780 performance savings contract with a guaranteed ~~energy~~ performance
3781 savings contractor to ~~significantly~~ reduce energy, water, or
3782 wastewater consumption or production of energy-related operating
3783 costs of an agency facility through one or more energy, water, or
3784 wastewater efficiency or conservation measures.

3785 (b) Before design and installation of energy conservation
3786 measures, the agency must obtain from a guaranteed energy
3787 performance savings contractor an investment grade audit ~~a~~ report
3788 that summarizes the costs associated with the energy conservation
3789 measures or energy-related operational cost-saving measures and
3790 provides an estimate of the amount of the ~~energy~~ cost savings.
3791 The agency and the guaranteed energy performance savings
3792 contractor may enter into a separate agreement to pay for costs
3793 associated with the preparation and delivery of the report;
3794 however, payment to the contractor shall be contingent upon the
3795 report's projection of energy or operational cost savings being
3796 equal to or greater than the total projected costs of the design
3797 and installation of the report's energy conservation measures.

3798 (c) The agency may enter into a guaranteed energy
3799 performance savings contract with a guaranteed energy performance

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3800 savings contractor if the agency finds that the amount the agency
3801 would spend on the energy conservation or energy-related cost-
3802 savings measures will not likely exceed the amount of the energy
3803 or energy-related cost savings for up to 20 years from the date
3804 of installation, based on the life cycle cost calculations
3805 provided in s. 255.255, if the recommendations in the report were
3806 followed and if the qualified provider or providers give a
3807 written guarantee that the energy or energy-related cost savings
3808 will meet or exceed the costs of the system. However, actual
3809 computed cost savings must meet or exceed the estimated cost
3810 savings provided in program approval. Baseline adjustments used
3811 in calculations must be specified in the contract. The contract
3812 may provide for installment payments for a period not to exceed
3813 20 years.

3814 (d) A guaranteed ~~energy~~ performance savings contractor must
3815 be selected in compliance with s. 287.055; except that if fewer
3816 than three firms are qualified to perform the required services,
3817 the requirement for agency selection of three firms, as provided
3818 in s. 287.055(4)(b), and the bid requirements of s. 287.057 do
3819 not apply.

3820 (e) Before entering into a guaranteed energy performance
3821 savings contract, an agency must provide published notice of the
3822 meeting in which it proposes to award the contract, the names of
3823 the parties to the proposed contract, and the contract's purpose.

3824 (f) A guaranteed ~~energy~~ performance savings contract may
3825 provide for financing, including tax-exempt financing, by a third
3826 party. The contract for third party financing may be separate
3827 from the guaranteed ~~energy~~ performance contract. A separate
3828 contract for third party financing must include a provision that

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3829 | the third party financier must not be granted rights or
3830 | privileges that exceed the rights and privileges available to the
3831 | guaranteed energy performance savings contractor.

3832 | (g) Financing for guaranteed energy performance savings
3833 | contracts may be provided under the authority of s. 287.064.

3834 | (h) The office of the Chief Financial Officer shall review
3835 | proposals from state agencies to ensure that the most effective
3836 | financing is being used.

3837 | (i) Annually, the agency that has entered into the contract
3838 | shall provide the Department of Management Services and the Chief
3839 | Financial Officer the measurement and verification report
3840 | required by the contract to validate that energy savings have
3841 | occurred.

3842 | (j)~~(g)~~ In determining the amount the agency will finance to
3843 | acquire the ~~energy~~ conservation measures, the agency may reduce
3844 | such amount by the application of any grant moneys, rebates, or
3845 | capital funding available to the agency for the purpose of buying
3846 | down the cost of the guaranteed ~~energy~~ performance savings
3847 | contract. However, in calculating the life cycle cost as required
3848 | in paragraph (c), the agency shall not apply any grants, rebates,
3849 | or capital funding.

3850 | (5) CONTRACT PROVISIONS.--

3851 | (a) A guaranteed ~~energy~~ performance savings contract must
3852 | include a written guarantee that may include, but is not limited
3853 | to the form of, a letter of credit, insurance policy, or
3854 | corporate guarantee by the guaranteed ~~energy~~ performance savings
3855 | contractor that annual associated ~~energy~~ cost savings will meet
3856 | or exceed the amortized cost of energy conservation measures.

3857 | (b) The guaranteed ~~energy~~ performance savings contract must

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3858 provide that all payments, except obligations on termination of
3859 the contract before its expiration, may be made over time, but
3860 not to exceed 20 years from the date of complete installation and
3861 acceptance by the agency, and that the annual savings are
3862 guaranteed to the extent necessary to make annual payments to
3863 satisfy the guaranteed ~~energy~~ performance savings contract.

3864 (c) The guaranteed ~~energy~~ performance savings contract must
3865 require that the guaranteed energy performance savings contractor
3866 to whom the contract is awarded provide a 100-percent public
3867 construction bond to the agency for its faithful performance, as
3868 required by s. 255.05.

3869 (d) The guaranteed ~~energy~~ performance savings contract may
3870 contain a provision allocating to the parties to the contract any
3871 annual energy cost savings that exceed the amount of the energy
3872 cost savings guaranteed in the contract.

3873 (e) The guaranteed energy performance savings contract
3874 shall require the guaranteed ~~energy~~ performance savings
3875 contractor to provide to the agency an annual reconciliation of
3876 the guaranteed energy or energy-related cost savings. If the
3877 reconciliation reveals a shortfall in annual energy or energy-
3878 related cost savings, the guaranteed ~~energy~~ performance savings
3879 contractor is liable for such shortfall. If the reconciliation
3880 reveals an excess in annual ~~energy~~ cost savings, the excess
3881 savings may be allocated under paragraph (d) but may not be used
3882 to cover potential ~~energy~~ cost savings shortages in subsequent
3883 contract years.

3884 (f) The guaranteed ~~energy~~ performance savings contract must
3885 provide for payments of not less than one-twentieth of the price
3886 to be paid within 2 years from the date of the complete

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3887 installation and acceptance by the agency using straight-line
3888 amortization for the term of the loan, and the remaining costs to
3889 be paid at least quarterly, not to exceed a 20-year term, based
3890 on life cycle cost calculations.

3891 (g) The guaranteed ~~energy~~ performance savings contract may
3892 extend beyond the fiscal year in which it becomes effective;
3893 however, the term of any contract expires at the end of each
3894 fiscal year and may be automatically renewed annually for up to
3895 20 years, subject to the agency making available sufficient
3896 annual funds appropriations based upon continued realized energy
3897 savings.

3898 (h) The guaranteed ~~energy~~ performance savings contract must
3899 stipulate that it does not constitute a debt, liability, or
3900 obligation of the state.

3901 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
3902 Department of Management Services, with the assistance of the
3903 Office of the Chief Financial Officer, shall ~~may, within~~
3904 ~~available resources~~, provide technical content assistance to
3905 state agencies contracting for energy conservation measures and
3906 engage in other activities considered appropriate by the
3907 department for promoting and facilitating guaranteed energy
3908 performance contracting by state agencies. The Department of
3909 Management Services shall review the investment-grade audit for
3910 each proposed project and certify that the cost savings are
3911 appropriate and sufficient for the term of the contract. The
3912 Office of the Chief Financial Officer, with the assistance of the
3913 Department of Management Services, shall develop model
3914 contractual and other related documents and shall, by rule ~~may,~~
3915 ~~within available resources~~, develop the contract requirements

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3916 ~~model contractual and related documents~~ for use by state and
3917 other agencies. Prior to entering into a guaranteed energy
3918 performance savings contract, any contract or lease for third-
3919 party financing, or any combination of such contracts, a state
3920 agency shall submit such proposed contract or lease to the Office
3921 of the Chief Financial Officer for review and approval. A
3922 proposed contract or lease shall include:

3923 (a) Supporting information required by s. 216.023(a)9. in
3924 ss. 287.063(5) and 287.064(11). For contracts approved under s.
3925 489.145, the criteria may, at a minimum, include the
3926 specification of a benchmark cost of capital and minimum real
3927 rate of return on energy, water, or wastewater savings against
3928 which proposals shall be evaluated.

3929 (b) Documentation supporting recurring funds requirements
3930 in ss. 287.063(5) and 287.064(11).

3931 (c) Approval by the agency head or his or her designee.

3932 (d) An agency measurement and verification plan to monitor
3933 cost savings.

3934 (7) FUNDING SUPPORT.--For purposes of consolidated
3935 financing of deferred payment commodity contracts under this
3936 section by a state agency, any such contract must be supported
3937 from available recurring funds appropriated to the agency in an
3938 appropriation category, as defined in chapter 216, which the
3939 Legislature has designated for payment of the obligation incurred
3940 under this section, or which the Chief Financial Officer has
3941 determined is appropriate.

3942
3943 The office of the Chief Financial Officer may not approve any
3944 contract from any state agency submitted under this section which

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3945 does not meet the requirements of this section.

3946 Section 64. Section 526.203, Florida Statutes, is created
3947 to read:

3948 526.203 Renewable fuel standard.--

3949 (1) DEFINITIONS.--As used in this ss. 526.203-526.206, the
3950 terms "blender," "exporter," "importer," "terminal supplier," and
3951 "wholesaler" shall be defined as provided in s. 206.01.

3952 (a) "Fuel ethanol-blended gasoline" means a mixture of 90
3953 percent gasoline and 10 percent fuel ethanol or similar alcohol.
3954 The 10 percent fuel ethanol, or similar alcohol, portion may be
3955 derived from any agricultural source.

3956 (b) "Unblended gasoline" means gasoline that has not been
3957 blended with fuel ethanol.

3958 (2) FUEL STANDARD.--On and after December 31, 2010, all
3959 gasoline sold or offered for sale in Florida at retail shall
3960 contain, at a minimum 10 percent of a agriculturally derived,
3961 denatured ethanol fuel by volume. No terminal supplier, importer,
3962 exporter, blender, or wholesaler in this state shall sell or
3963 deliver fuel that which does not meet the blending requirements
3964 of ss. 526.203-526.206.

3965 (3) EXEMPTIONS.--The requirements of ss. 526.203-526.206 do
3966 not apply to the following:

3967 (a) Fuel used in aircraft;

3968 (b) Fuel sold at marinas and mooring docks for use in boats
3969 and similar watercraft;

3970 (c) Fuel sold at public or private racecourses intended to
3971 be used exclusively as a fuel for off-highway motor sports racing
3972 events;

3973 (d) Fuel sold for use in collector vehicles or vehicles

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3974 eligible to be licensed as collector vehicles, off-road vehicles,
3975 motorcycles, or small engines.

3976 (e) Fuel unable to comply due to requirements of the United
3977 States Environmental Protection Agency;

3978 (f) Fuel bulk transferred between terminals;

3979 (g) Fuel exported from the state in accordance with s.
3980 206.052;

3981 (h) Fuel qualifying for any exemption in accordance with
3982 chapter 206;

3983 (i) Fuel at an electric power plant that is regulated by
3984 the United States Nuclear Regulatory Commission unless such
3985 commission has approved the use of fuel meeting the requirements
3986 of subsection (2);

3987 (j) Fuel for a railroad locomotive; or

3988 (k) Fuel for equipment, including vehicle or vessel,
3989 covered by a warranty that would be voided, if explicitly stated
3990 in writing by the vehicle or vessel manufacturer, if it were to
3991 be operated using fuel meeting the requirements of subsection
3992 (2).

3993 (4) REPORT.--Pursuant to s. 206.43, each terminal supplier,
3994 importer, exporter, blender, and wholesaler shall include in its
3995 report to the Department of Revenue the number of gallons of
3996 gasoline fuel meeting and not meeting the requirements of ss.
3997 526.203-526.206 which is sold and delivered by the terminal
3998 supplier, importer, exporter, blender, or wholesaler in the
3999 state, and the destination as to the county in the state to which
4000 the gasoline was delivered for resale at retail or use.

4001 Section 65. Section 526.204, Florida Statutes, is created to
4002 read:

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4003 526.204 Suspension during declared emergencies; waivers.--

4004 (1) In order to account for supply disruptions and ensure
4005 reliable supplies of motor fuels for Florida, the requirements of
4006 ss. 526.203-526.206 shall be suspended when the provisions of s.
4007 252.36(2) in any area of the state are in effect plus an
4008 additional 30 days.

4009 (2) If a terminal supplier, importer, exporter, blender, or
4010 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
4011 blended gasoline at the same or lower price than the price of
4012 unblended gasoline, the sale or delivery of unblended gasoline by
4013 the terminal supplier, importer, exporter, blender, or wholesaler
4014 shall not be deemed a violation of ss. 526.203-526.206. The
4015 terminal supplier, importer, exporter, blender, or wholesaler
4016 shall, upon request, provide the required documentation regarding
4017 the sales transaction and price of fuel ethanol, fuel ethanol-
4018 blended gasoline, and unblended gasoline to the Department of
4019 Revenue.

4020 Section 66. Section 526.205, Florida Statutes, is created
4021 to read:

4022 526.205 Enforcement.--

4023 (1) It is unlawful to sell or distribute, or offer for sale
4024 or distribution, any gasoline that fails to meet the requirements
4025 of ss. 526.203-526.207.

4026 (2) Upon determining that a terminal supplier, importer,
4027 exporter, blender, or wholesaler is not meeting the requirements
4028 of s. 526.203(2), the Department of Revenue shall notify the
4029 department.

4030 (3) Upon notification by the Department of Revenue of a
4031 violation of ss. 526.203-526.206, the department shall, subject

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4032 to subsection (1), grant an extension or enter an order imposing
4033 one or more of the following penalties:

4034 (a) Issuance of a warning letter.

4035 (b) Imposition of an administrative fine of not more than
4036 \$1,000 per violation for a first-time offender. For a second-time
4037 or repeat offender, or any person who is shown to have willfully
4038 and intentionally violated any provision of this chapter, the
4039 administrative fine shall not exceed \$5,000 per violation. When
4040 imposing any fine under this section, the department shall
4041 consider the amount of money the violator benefited from by
4042 noncompliance, whether the violation was committed willfully, and
4043 the compliance record of the violator.

4044 (c) Revocation or suspension of any registration issued by
4045 the department.

4046 (4) Any terminal supplier, importer, exporter, blender, or
4047 wholesaler may apply to the department by September 30, 2010, for
4048 an extension of time to comply with the requirements of ss.
4049 526.203-526.206. The application for an extension must
4050 demonstrate that the applicant has made a good faith effort to
4051 comply with the requirements but has been unable to do so for
4052 reasons beyond the applicant's control, such as delays in
4053 receiving governmental permits. The department shall review each
4054 application and make a determination as to whether the failure to
4055 comply was beyond the control of the applicant. If the department
4056 determines that the applicant made a good faith effort to comply,
4057 but was unable to do so for reasons beyond the applicant's
4058 control, the department shall grant an extension of time
4059 determined necessary for the applicant to comply. If no extension
4060 is granted, the department shall proceed with enforcement

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4061 pursuant to subsection (3).

4062 Section 67. Section 526.206, Florida Statutes, is created
4063 to read:

4064 526.206 Rules.--

4065 (1) The Department of Revenue is authorized to adopt rules
4066 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
4067 of ss. 526.203-526.206.

4068 (2) The Department of Agriculture and Consumer Services is
4069 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
4070 to implement the provisions of ss. 526.203-526.206.

4071 Section 68. Studies and reports.--

4072 (1) The Florida Energy Commission shall conduct a study to
4073 evaluate and recommend the lifecycle greenhouse gas emissions
4074 associated with all renewable fuels, including, but not limited
4075 to, biodiesel, renewable diesel, biobutanol, ethanol derived from
4076 corn, ethanol derived from sugar, and cellulosic ethanol. In
4077 addition, the study shall evaluate and recommend a requirement
4078 that all renewable fuels introduced into commerce in the state,
4079 as a result of the renewable fuel standard, shall reduce the
4080 lifecycle greenhouse gas emissions by an average percentage. The
4081 study may also evaluate and recommend any benefits associated
4082 with the creation, banking, transfer, and sale of credits among
4083 fuel refiners, blenders, and importers.

4084 (2) The Florida Energy Commission shall submit a report
4085 containing specific recommendations to the President of the
4086 Senate and the Speaker of the House of Representatives no later
4087 than December 31, 2010.

4088 Section 69. Present subsection (5) of section 553.77,
4089 Florida Statutes, is renumbered as subsection (6), and a new

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4090 subsection (5) is added to that section, to read:

4091 553.77 Specific powers of the commission.--

4092 (5) The commission may implement its recommendations
4093 delivered pursuant to subsection (2) of section 48 of chapter
4094 2007-73, Laws of Florida, by amending the Florida Energy
4095 Efficiency Code for Building Construction as provided in s.
4096 553.901.

4097 Section 70. Section 553.886, Florida Statutes, is created
4098 to read:

4099 553.886 Energy-efficiency technologies.--The provisions of
4100 the Florida Building Code must facilitate and promote the use of
4101 cost-effective energy conservation, energy-demand management, and
4102 renewable energy technologies in buildings.

4103 Section 71. Section 553.9061, Florida Statutes, is created
4104 to read:

4105 553.9061 Scheduled increases in thermal efficiency
4106 standards.--

4107 (1) This section establishes a schedule of required
4108 increases in the energy-efficiency performance of buildings that
4109 are subject to the requirements for energy efficiency as
4110 contained in the current edition of the Florida Building Code.
4111 The Florida Building Commission shall implement the following
4112 energy-efficiency goals using the triennial code-adoption process
4113 established for updates to the Florida Building Code in s.
4114 553.73:

4115 (a) Include requirements in the 2010 edition of the Florida
4116 Building Code to increase the energy-efficiency performance of
4117 new buildings by at least 20 percent as compared to the
4118 performance achieved as a result of the implementation of the

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4119 energy-efficiency provisions contained in the 2004 edition of the
4120 Florida Building Code, as amended on May 22, 2007;

4121 (b) Include requirements in the 2013 edition of the Florida
4122 Building Code to increase the energy-efficiency performance of
4123 new buildings by at least 30 percent as compared to the
4124 performance achieved as a result of the implementation of the
4125 energy-efficiency provisions contained in the 2004 edition of the
4126 Florida Building Code, as amended on May 22, 2007;

4127 (c) Include requirements in the 2016 edition of the Florida
4128 Building Code to increase the energy-efficiency performance of
4129 new buildings by at least 40 percent as compared to the
4130 performance achieved as a result of the implementation of the
4131 energy-efficiency provisions contained in the 2004 edition of the
4132 Florida Building Code, as amended on May 22, 2007; and

4133 (d) Include requirements in the 2019 edition of the Florida
4134 Building Code to increase the energy-efficiency performance of
4135 new buildings by at least 50 percent as compared to the
4136 performance achieved as a result of the implementation of the
4137 energy-efficiency provisions contained in the 2004 edition of the
4138 Florida Building Code, as amended on May 22, 2007.

4139 (2) The commission shall identify in any code-support and
4140 compliance documentation the specific building options and
4141 elements available to meet the energy-efficiency performance
4142 requirements required under subsection (1). Energy-efficiency
4143 performance options and elements include, but are not limited to:

4144 (a) Solar water heating;

4145 (b) Energy-efficient appliances;

4146 (c) Energy-efficient windows, doors, and skylights;

4147 (d) Low solar-absorption roofs, also known as "cool roofs";

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- 4148 (e) Enhanced ceiling and wall insulation;
4149 (f) Reduced-leak duct systems;
4150 (g) Programmable thermostats; and
4151 (h) Energy-efficient lighting systems.

4152 Section 72. (1) The Florida Building Commission shall
4153 conduct a study to evaluate the energy-efficiency rating of new
4154 buildings and appliances. The study must include a review of the
4155 current energy-efficiency ratings and consumer labeling
4156 requirements contained in chapter 553, Florida Statutes. The
4157 commission shall submit a written report of its study to the
4158 President of the Senate and the Speaker of the House of
4159 Representatives on or before February 1, 2009. The report must
4160 contain the commission's recommendations regarding the
4161 strengthening and integration of energy-efficiency ratings and
4162 labeling requirements.

4163 (2) The provisions of this section expire July 1, 2009.

4164 Section 73. (1) The Florida Building Commission shall
4165 conduct a study to evaluate opportunities to restructure the
4166 Florida Energy Efficiency Code for Building Construction to
4167 achieve long-range improvements to building energy performance.
4168 During such study, the commission shall address the integration
4169 of the Thermal Efficiency Code established in part V of chapter
4170 553, Florida Statutes, the Energy Conservation Standards Act
4171 established in part VI of chapter 553, Florida Statutes, and the
4172 Florida Building Energy-Efficiency Rating Act established in part
4173 VIII of chapter 553, Florida Statutes.

4174 (2) The commission shall submit a report containing
4175 specific recommendations on the integration of the code and acts
4176 identified in subsection (1) to the President of the Senate and

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4177 the Speaker of the House of Representatives on or before February
4178 1, 2009.

4179 (3) The provisions of this section expire July 1, 2009.

4180 Section 74. (1) The Department of Community Affairs, in
4181 conjunction with the Florida Energy Affordability Coalition,
4182 shall identify and review issues relating to the Low-Income Home
4183 Energy Assistance Program and the Weatherization Assistance
4184 Program, and identify recommendations that:

4185 (a) Support customer health, safety, and well-being;

4186 (b) Maximize available financial and energy-conservation
4187 assistance;

4188 (c) Improve the quality of service to customers seeking
4189 assistance; and

4190 (d) Educate customers to make informed decisions regarding
4191 energy use and conservation.

4192 (2) On or before January 1, 2009, the department shall
4193 report its findings and any recommended statutory changes
4194 required to implement such findings to the President of the
4195 Senate and the Speaker of the House of Representatives.

4196 (3) The provisions of this section expire July 1, 2009.

4197 Section 75. Subsection (1) of section 553.957, Florida
4198 Statutes, is amended to read:

4199 553.957 Products covered by this part.--

4200 (1) The provisions of this part apply to the testing,
4201 certification, and enforcement of energy conservation standards
4202 for the following types of new commercial and residential
4203 products sold in the state:

4204 (a) Refrigerators, refrigerator-freezers, and freezers
4205 which can be operated by alternating current electricity,

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4206 | excluding:

- 4207 | 1. Any type designed to be used without doors; and
4208 | 2. Any type which does not include a compressor and
4209 | condenser unit as an integral part of the cabinet assembly.

4210 | (b) Lighting equipment.

4211 | (c) Showerheads.

4212 | (d) Electric water heaters used to heat potable water in
4213 | homes or businesses.

4214 | (e) Electric motors used to pump water within swimming
4215 | pools.

4216 | (f) Water heaters for swimming pools.

4217 | (g) ~~(d)~~ Any other type of consumer product which the
4218 | department classifies as a covered product as specified in this
4219 | part.

4220 | Section 76. Section 553.975, Florida Statutes, is amended
4221 | to read:

4222 | 553.975 Report to the Governor and Legislature.--The Public
4223 | Service Commission shall submit a biennial report to the
4224 | Governor, the President of the Senate, and the Speaker of the
4225 | House of Representatives, concurrent with the report required by
4226 | s. 366.82(5) ~~s. 366.82(4)~~, beginning in 1990. Such report shall
4227 | include an evaluation of the effectiveness of these standards on
4228 | energy conservation in this state.

4229 | Section 77. The Public Service Commission shall analyze
4230 | utility revenue decoupling and provide a report and
4231 | recommendations to the Governor, the President of the Senate, and
4232 | the Speaker of the House of Representatives by January 1, 2009.

4233 | Section 78. Subsection (6) is added to section 718.113,
4234 | Florida Statutes, to read:

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4235 718.113 Maintenance; limitation upon improvement; display
4236 of flag; hurricane shutters.--

4237 (6) Notwithstanding the provisions of this section or the
4238 governing documents of a condominium or a multicondominium
4239 association, the board of administration may, without any
4240 requirement for approval of the unit owners, install upon or
4241 within the common elements or association property solar
4242 collectors, clotheslines, or other energy-efficient devices based
4243 on renewable resources for the benefit of the unit owners.

4244 Section 79. Section 1004.648, Florida Statutes, is created
4245 to read:

4246 1004.648 Florida Energy Systems Consortium.--

4247 (1) There is created the Florida Energy Systems Consortium
4248 to promote collaboration between experts in the State University
4249 System for the purpose of developing and implementing a
4250 comprehensive, long-term, environmentally compatible,
4251 sustainable, and efficient energy strategic plan for the state.
4252 The consortium shall focus on an overall broad systems approach,
4253 from energy resource to consumer, for producing innovative energy
4254 systems that will lead to alternative energy strategies, improved
4255 energy efficiencies, and expanded economic development for the
4256 state. The consortium shall consist of the University of Florida,
4257 Florida State University, the University of South Florida, the
4258 University of Central Florida, and Florida Atlantic University.
4259 The consortium shall be administered at the University of Florida
4260 by a director who shall report to the Florida Energy and Climate
4261 Commission, created in s. 377.6015. The commission shall have
4262 ultimate authority over both the technical performance and
4263 financial management of the consortium. In performing its

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4264 activities, the consortium must collaborate with an Oversight
4265 Board consisting of the vice president for research at each of
4266 the five universities. The consortium may also collaborate with
4267 industry and other affected parties.

4268 (2) Through collaborative research and development across
4269 the State University System and industry, the goal of the
4270 consortium is to become a world leader in energy research,
4271 education, technology, and energy systems analysis. In so doing,
4272 the consortium shall:

4273 (a) Coordinate and initiate increased collaborative
4274 interdisciplinary energy research among universities and the
4275 energy industry.

4276 (b) Create a Florida energy technology industry.

4277 (c) Provide a state resource for objective energy systems
4278 analysis.

4279 (d) Develop education and outreach programs to prepare a
4280 qualified energy workforce and informed public.

4281 (3) To promote collaboration between researchers within the
4282 State University System, with industry, and other external
4283 partners, the consortium shall receive input from the Florida
4284 Energy and Climate Commission. The University Council, which
4285 shall consist of one member from each university designated by
4286 the corresponding vice president for research, shall provide
4287 guidance on vision and direction to the director. The board, the
4288 Florida Energy and Climate Commission, and the council shall
4289 constitute the Steering Committee. The Steering Committee is
4290 responsible for establishing and assuring the success of the
4291 consortium's strategic plan.

4292 (4) A major focus of the consortium is to expedite

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4293 commercialization of innovative energy technologies by taking
4294 advantage of State University System energy expertise, high
4295 technology incubators, industrial parks, and industry-driven
4296 research centers to attract companies to establish manufacturing
4297 in the state and transition technologies into the state economy.

4298 (5) The consortium shall solicit and leverage state,
4299 federal, and private funds for the purpose of conducting
4300 education, research, and development in the area of sustainable
4301 energy. The Oversight Board shall ensure that the consortium
4302 maintains accurate records of any funds received by the
4303 consortium.

4304 (6) Through research and instructional programs, the
4305 faculty associated with the consortium shall coordinate a
4306 statewide workforce development initiative focusing on college-
4307 level degrees, technician training, and public and commercial
4308 sectors awareness. The consortium shall develop specific programs
4309 targeted at preparing graduates who have a background in energy,
4310 continuing education courses for technical and nontechnical
4311 professionals, and modules, laboratories, and courses to be
4312 shared among the universities. The consortium shall work with the
4313 Florida Community College system using the Florida Advanced
4314 Technological Education Center (FLATE) for the coordination and
4315 design of industry-specific training programs for technicians.

4316 (7) By November 1 of each year, the consortium shall submit
4317 an annual report to the Governor, the President of the Senate,
4318 the Speaker of the House of Representatives and the Florida
4319 Energy and Climate Commission regarding its activities including,
4320 but not limited to, education, research, development, and
4321 deployment of alternative energy technologies.

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4322 Section 80. State interest.--

4323 (1) As a condition for the issuance of grants or other
4324 monetary awards to private companies for energy-related research
4325 or deployment projects, the Department of Environmental
4326 Protection may require a negotiated or licensing agreement
4327 containing a stipulation requiring the return to the state of an
4328 agreed-upon amount or percentage of profit resulting from
4329 commercialization of the product or process.

4330 (2) The Department of Environmental Protection shall
4331 conduct a study to determine how negotiated or licensing
4332 agreements may best be used in these situations in order for the
4333 state to earn a monetary return on energy-related products or
4334 processes that are ultimately prohibited upon commercialization.
4335 The department shall submit its study to the Governor, the
4336 President of the Senate, and the Speaker of the House of
4337 Representatives by February 1, 2009.

4338 Section 81. The Department of Environmental Protection, in
4339 conjunction with the Department of Agriculture and Consumer
4340 Services, shall conduct an economic impact analysis on the
4341 effects of granting financial incentives to energy producers who
4342 use woody biomass as fuel. It shall include an analysis of the
4343 effects on wood supply and prices and the impacts on current
4344 markets and on forest sustainability. The department shall submit
4345 the results of the study to the President of the Senate and the
4346 Speaker of the House of Representatives.

4347 Section 82. Recycling.--

4348 (1) The Legislature finds that the failure or inability to
4349 economically recover material and energy resources from solid
4350 waste results in the unnecessary waste and depletion of our

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4351 natural resources. Therefore, the maximum recycling and reuse of
4352 such resources must be a high-priority goal of this state.

4353 (2) The long-term goal for reducing solid waste through the
4354 recycling efforts of state and local governmental entities shall,
4355 by the year 2020, be a statewide average reduction of 75 percent
4356 of the amount of solid waste that was disposed of in 2007, not
4357 including any recycling efforts undertaken during that year.

4358 (3) The Department of Environmental Protection shall, by
4359 January 1, 2010, develop a recycling program in conjunction with
4360 state and local governments which is designed to meet the
4361 reduction goal stated in subsection (2).

4362 Section 83. The Department of Environmental Protection,
4363 when submitting proposed rules adopted pursuant to s. 403.44,
4364 Florida Statutes, the Climate Protection Act, for ratification by
4365 the Legislature, shall submit a summary report to the Governor,
4366 the President of the Senate, and the Speaker of the House of
4367 Representatives. The report must describe the costs and benefits
4368 of a cap-and-trade system and must include, but need not be
4369 limited to:

4370 (1) The impact of a cap-and-trade system on electricity
4371 prices charged to consumers.

4372 (2) The overall cost of a cap-and-trade system to the
4373 economy of this state.

4374 (3) The effect of a cap-and-trade system on low-income
4375 consumers if the system results in an increase of energy prices
4376 on low-income consumers.

4377 Section 84. Except as otherwise expressly provided in this
4378 act, this act shall take effect July 1, 2008.