

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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.; requiring
48 that the Florida Energy and Climate Commission rather than
49 the Department of Environmental Protection implement
50 certain responsibilities concerning eligibility and
51 application for the tax exemption; requiring the
52 commission to adopt, by rule, an application form,
53 including the required content and documentation to
54 support the application, for the taxpayer to use in
55 claiming the tax exemption; amending s. 220.192, F.S.;
56 defining terms relating to a tax credit; allowing certain
57 tax credits to be transferred for a specified period;
58 providing procedures and requirements; authorizing the

601-07390-08

20081544c3

59 Department of Revenue to adopt rules; amending s. 220.193,
60 F.S.; defining the terms "sale" or "sold" and "taxpayer";
61 providing legislative intent concerning retroactive
62 application of certain renewable energy production tax
63 credits; providing for the pass through of a renewable
64 energy production tax credit under certain conditions;
65 providing for retroactive application; amending s. 253.02,
66 F.S.; authorizing the Secretary of Environmental
67 Protection to grant easements across lands owned by the
68 Board of Trustees of the Internal Improvement Trust Fund
69 under certain conditions; amending s. 253.034, F.S.;
70 granting a utility the use of nonsovereignty state-owned
71 lands upon a showing of competent substantial evidence
72 that the use is reasonable; establishing criteria relating
73 to the title, distribution, and cost of such lands;
74 amending s. 255.249, F.S.; requiring state agencies to
75 annually provide telecommuting plans to the Department of
76 Management Services; amending s. 255.251, F.S.; creating
77 the "Florida Energy Conservation and Sustainable Buildings
78 Act"; amending s. 255.252, F.S.; providing findings and
79 legislative intent; providing that it is the policy of the
80 state that buildings constructed and financed by the
81 state, or existing buildings renovated by the state, be
82 designed and constructed with a goal of meeting or
83 exceeding the United States Green Building Council (USGBC)
84 Leadership in Energy and Environmental Design (LEED)
85 rating system, the Green Building Initiative's Green
86 Globes rating system, or the Florida Green Building
87 Coalition standards; requiring each state agency to

601-07390-08

20081544c3

88 identify and compile a list of energy-conservation
89 projects that it determines are suitable for a guaranteed
90 energy performance savings contract; amending s. 255.253,
91 F.S.; defining terms relating to energy conservation for
92 buildings; amending s. 255.254, F.S.; prohibiting a state
93 agency from leasing or constructing a facility without
94 having secured from the Department of Management Services
95 an evaluation of life-cycle costs for the building;
96 requiring certain leased buildings to have an energy
97 performance analysis conducted; requiring the owner of any
98 building leased by the state from the private sector to
99 submit provisions for monthly energy use data to the
100 department; amending s. 255.255, F.S.; requiring the
101 department to use sustainable building ratings for
102 conducting a life-cycle cost analysis; amending s.
103 255.257, F.S.; requiring that energy consumption and cost
104 be reported to the department annually in a format
105 prescribed by the department; providing duties of energy-
106 management coordinators; requiring that the department of
107 Management Services develop a state energy-management
108 plan; requiring that state agencies adopt certain rating
109 systems; prohibiting state agencies from entering into
110 leasing agreements for office space not meeting certain
111 building standards; providing an exception; requiring that
112 state agencies develop energy-conservation measures and
113 guidelines for new and existing office space in which
114 state agencies occupy greater than a specified amount of
115 square footage; providing requirements for such measures;
116 creating s. 286.275, F.S.; requiring the Department of

601-07390-08

20081544c3

117 Management Services to develop the Florida Climate
118 Friendly Preferred Products List; requiring state agencies
119 to consult the list and purchase products from the list
120 under certain circumstances; requiring state agencies to
121 contract for meeting and conference space with facilities
122 having the "Green Lodging" designation; authorizing the
123 Department of Environmental Protection to adopt rules;
124 requiring the department to establish voluntary technical
125 assistance programs for various businesses; requiring
126 state agencies to maintain vehicles according to minimum
127 standards and follow certain procedures when procuring new
128 vehicles; requiring state agencies to use ethanol and
129 biodiesel-blended fuels when available; amending s.
130 287.063, F.S.; prohibiting the payment term for equipment
131 from exceeding the useful life of the equipment unless the
132 contract provides for the replacement or the extension of
133 the useful life of the equipment during the term of the
134 deferred payment contract; amending s. 287.064, F.S.;
135 authorizing an extension of the master equipment financing
136 agreement for energy conservation equipment; requiring the
137 guaranteed energy, water, and wastewater performance
138 savings contractor to provide for the replacement or the
139 extension of the useful life of the equipment during the
140 term of the contract; amending s. 287.16, F.S.; requiring
141 the Department of Management Services to conduct an
142 analysis of the Department of Transportation's ethanol and
143 biodiesel use and encourage other state agencies to
144 analyze transportation fuel usage and report such
145 information to the Department of Management Services;

601-07390-08

20081544c3

146 amending s. 288.1089, F.S.; defining the term "alternative
147 and renewable energy"; detailing the conditions for an
148 alternative and renewable energy project to be eligible
149 for an innovation incentive award; amending s. 337.401,
150 F.S.; requiring the Department of Environmental Protection
151 to adopt rules relating to the placement of and access to
152 aerial and underground electric transmission lines having
153 certain specifications; defining the term "base-load
154 generating facilities"; amending s. 339.175, F.S.;
155 requiring each metropolitan planning organization to
156 develop a long-range transportation plan that, among other
157 considerations, provides for sustainable growth and
158 reduces greenhouse gas emissions; amending s. 366.82,
159 F.S.; requiring the Public Service Commission to adopt
160 rules requiring utilities to offset 20 percent of their
161 annual load-growth through energy efficiency and
162 conservation measures; requiring the commission to create
163 an in-state market for tradable credits enabling those
164 utilities that exceed the conservation standard to sell
165 credits to those that cannot meet the standard for a given
166 year; requiring that the commission conduct a periodic
167 review; requiring the commission to require municipal and
168 cooperative utilities that are exempt from the Energy
169 Efficiency and Conservation Act to submit an annual report
170 identifying energy efficiency and conservation goals and
171 the actions taken to meet those goals; requiring that the
172 Florida Energy and Climate Commission be a party in the
173 proceedings to adopt goals and file with the Public
174 Service Commission comments on the proposed goals;

601-07390-08

20081544c3

175 requiring the Public Service Commission to use certain
176 methodologies in the evaluation of demand-side management
177 programs; amending s. 366.8255, F.S.; redefining the term
178 "environmental compliance costs" to include costs or
179 expenses prudently incurred for scientific research and
180 geological assessments of carbon capture and storage for
181 the purpose of reducing an electric utility's greenhouse
182 gas emissions; amending s. 366.92, F.S.; providing
183 definitions; requiring the commission to adopt a renewable
184 portfolio standard by rule; requiring that the rule be
185 ratified by the Legislature; providing that the rule must
186 be submitted for legislative approval by February 1, 2009;
187 specifying criteria for the rule development; allowing for
188 full cost recovery of certain reasonable and prudent costs
189 prior to the ratification of the rule; requiring each
190 municipal electric utility and rural electric cooperative
191 to develop standards for the use of renewable energy
192 resources and energy conservation measures and submit a
193 report to the Public Service Commission which identifies
194 such standards; amending s. 366.93, F.S.; revising the
195 definitions of "cost" and "preconstruction"; requiring the
196 Public Service Commission to establish rules relating to
197 cost recovery for the construction of new, expanded, or
198 relocated electrical transmission lines and facilities for
199 a nuclear power plant; amending s. 377.601, F.S.; revising
200 legislative intent with respect to the need to implement
201 alternative energy technologies; creating s. 377.6015,
202 F.S.; creating the Florida Energy and Climate Commission;
203 providing for appointment and qualifications of members;

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

291 requiring that such notices comply with certain
292 requirements; requiring that notices be published at least
293 45 days before the rescheduled certification hearing;
294 amending s. 403.5175, F.S.; conforming a cross-reference;
295 amending s. 403.518, F.S.; authorizing the Department of
296 Environmental Protection to charge an application fee for
297 an alternate corridor; amending s. 403.519, F.S., relating
298 to determinations of need; conforming provisions to
299 changes made by the act; amending s. 403.7031, F.S.;
300 prohibiting a county or municipality from using in
301 practice any definition inconsistent with certain
302 statutes; creating s. 403.7055, F.S.; encouraging counties
303 in the state to form regional solutions to the capture and
304 reuse or sale of methane gas from landfills and wastewater
305 treatment facilities; requiring the Department of
306 Environmental Protection to provide guidelines and
307 assistance; amending s. 403.814, F.S., relating to general
308 permits; conforming provisions; amending s. 489.145, F.S.;
309 revising provisions of the Guaranteed Energy Performance
310 Savings Contracting Act; renaming the act as the
311 "Guaranteed Energy, Water, and Wastewater Performance
312 Savings Contracting Act"; requiring that each proposed
313 contract or lease contain certain agreements concerning
314 operational cost-saving measures; redefining terms;
315 defining the term "investment grade energy audit";
316 requiring that certain baseline information, supporting
317 information, and documentation be included in contracts;
318 requiring the office of the Chief Financial Officer to
319 review contract proposals; providing audit requirements;

601-07390-08

20081544c3

320 requiring contract approval by the Legislature or Chief
321 Financial Officer; creating s. 526.203, F.S.; providing
322 definitions; requiring that on or after a specified date
323 all gasoline sold in the state contain a specified percent
324 of agriculturally derived denatured ethanol; providing for
325 exemptions; creating s. 526.204, F.S.; providing for the
326 requirements to be suspended during a declared emergency;
327 providing an exemption if a supplier or other distributor
328 is unable to obtain the required fuel at the same or lower
329 price than 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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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.

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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;

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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.

601-07390-08

20081544c3

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:

601-07390-08

20081544c3

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.

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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~~

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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

601-07390-08

20081544c3

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,

601-07390-08

20081544c3

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

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

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

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

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

983 (III) The sales invoice or other proof of purchase showing
984 the amount of sales tax paid, the date of purchase, and the name
985 and address of the sales tax dealer from whom the property was
986 purchased.

601-07390-08

20081544c3

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

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

1001 d. Each certified applicant shall be responsible for
1002 forwarding a certified copy of the application and copies of all
1003 required documentation to the department within 6 months after
1004 certification by the commission ~~Department of Environmental~~
1005 ~~Protection~~.

1006 e. ~~The provisions of s. 212.095 do not apply to any refund~~
1007 ~~application made pursuant to this paragraph.~~ A refund approved
1008 pursuant to this paragraph shall be made within 30 days after
1009 formal approval by the department.

1010 f. The commission may adopt the form for the application
1011 for a certificate, requirements for the content and format of
1012 information submitted to the commission in support of the
1013 application, other procedural requirements, and criteria by which
1014 the application will be determined by rule. The department may
1015 adopt all other rules pursuant to ss. 120.536(1) and 120.54 to

601-07390-08

20081544c3

1016 administer this paragraph, including rules establishing
1017 additional forms and procedures for claiming this exemption.

1018 g. The commission ~~Department of Environmental Protection~~
1019 shall be responsible for ensuring that the total amounts of the
1020 exemptions authorized do not exceed the limits as specified in
1021 subparagraph 2.

1022 5. The commission ~~Department of Environmental Protection~~
1023 shall determine and publish on a regular basis the amount of
1024 sales tax funds remaining in each fiscal year.

1025 6. This paragraph expires July 1, 2010.

1026 Section 11. Subsection (1) of section 220.192, Florida
1027 Statutes, is amended, present subsection (6) of that section is
1028 renumbered as subsection (7) and amended, present subsection (7)
1029 of that section is renumbered as subsection (8), and a new
1030 subsection (6) is added to that section, to read:

1031 220.192 Renewable energy technologies investment tax
1032 credit.--

1033 (1) DEFINITIONS.--For purposes of this section, the term:

1034 (a) "Biodiesel" means biodiesel as defined in s.
1035 212.08(7)(ccc).

1036 (b) "Corporation" includes a general partnership, limited
1037 partnership, limited liability company, unincorporated business,
1038 or other business entity, including entities taxed as
1039 partnerships for federal income tax purposes.

1040 (c) ~~(b)~~ "Eligible costs" means:

1041 1. Seventy-five percent of all capital costs, operation and
1042 maintenance costs, and research and development costs incurred
1043 between July 1, 2006, and June 30, 2010, up to a limit of \$3
1044 million per state fiscal year for all taxpayers, in connection

601-07390-08

20081544c3

1045 with an investment in hydrogen-powered vehicles and hydrogen
1046 vehicle fueling stations in the state, including, but not limited
1047 to, the costs of constructing, installing, and equipping such
1048 technologies in the state.

1049 2. Seventy-five percent of all capital costs, operation and
1050 maintenance costs, and research and development costs incurred
1051 between July 1, 2006, and June 30, 2010, up to a limit of \$1.5
1052 million per state fiscal year for all taxpayers, and limited to a
1053 maximum of \$12,000 per fuel cell, in connection with an
1054 investment in commercial stationary hydrogen fuel cells in the
1055 state, including, but not limited to, the costs of constructing,
1056 installing, and equipping such technologies in the state.

1057 3. Seventy-five percent of all capital costs, operation and
1058 maintenance costs, and research and development costs incurred
1059 between July 1, 2006, and June 30, 2010, up to a limit of \$6.5
1060 million per state fiscal year for all taxpayers, in connection
1061 with an investment in the production, storage, and distribution
1062 of biodiesel (B10-B100) and ethanol (E10-E100) in the state,
1063 including the costs of constructing, installing, and equipping
1064 such technologies in the state. Gasoline fueling station pump
1065 retrofits for ethanol (E10-E100) distribution qualify as an
1066 eligible cost under this subparagraph.

1067 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
1068 212.08(7)(ccc).

1069 (e)~~(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
1070 defined in s. 212.08(7)(ccc).

1071 (f) "Wind energy" or "wind turbines" has the same meaning
1072 as in s. 212.08(7)(ccc).

1073 (g) "Taxpayer" includes corporations as defined in ss.

601-07390-08

20081544c3

1074 | 220.03 or 220.192.

1075 | (6) TRANSFERABILITY OF CREDIT.--

1076 | (a) For tax years beginning on or after January 1, 2009,
1077 | any corporation or subsequent transferee allowed a tax credit
1078 | under this section may transfer the credit, in whole or in part,
1079 | to any taxpayer by written agreement without transferring any
1080 | ownership interest in the property generating the credit or any
1081 | interest in the entity owning such property. The transferee is
1082 | entitled to apply the credits against the tax with the same
1083 | effect as if the transferee had incurred the eligible costs.

1084 | (b) To perfect the transfer, the transferor shall provide
1085 | the department with a written transfer statement notifying the
1086 | department of the transferor's intent to transfer the tax credits
1087 | to the transferee; the date the transfer is effective; the
1088 | transferee's name, address, and federal taxpayer identification
1089 | number; the tax period; and the amount of tax credits to be
1090 | transferred. The department shall, upon receipt of a transfer
1091 | statement conforming to the requirements of this paragraph,
1092 | provide the transferee with a certificate reflecting the tax
1093 | credit amounts transferred. A copy of the certificate must be
1094 | attached to each tax return for which the transferee seeks to
1095 | apply such tax credits.

1096 | (c) A tax credit authorized under this section which is
1097 | held by a corporation and not transferred under this subsection
1098 | shall be passed through to the taxpayers designated as partners,
1099 | members, or owners, respectively, in the manner agreed to by such
1100 | persons whether or not such partners, members, or owners are
1101 | allocated or allowed any portion of the federal energy tax credit
1102 | for the eligible costs.

601-07390-08

20081544c3

1103 ~~(7)~~(6) RULES.--The Department of Revenue shall have the
1104 authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to
1105 administer this section, including rules relating to:

1106 (a) The forms required to claim a tax credit under this
1107 section, the requirements and basis for establishing an
1108 entitlement to a credit, and the examination and audit procedures
1109 required to administer this section.

1110 (b) The implementation and administration of the provisions
1111 allowing a transfer of a tax credit, including rules prescribing
1112 forms, reporting requirements, and specific procedures,
1113 guidelines, and requirements necessary to transfer a tax credit.

1114 Section 12. Paragraphs (f) and (g) are added to subsection
1115 (2) and paragraphs (f) and (g) of subsection (3) of section
1116 220.193, Florida Statutes, are amended, and paragraphs (j) and
1117 (k) are added to subsection (3) of that subsection, to read:

1118 220.193 Florida renewable energy production credit.--

1119 (2) As used in this section, the term:

1120 (f) "Sale" or "sold" includes the use of electricity by the
1121 producer of such electricity which decreases the amount of
1122 electricity that the producer would otherwise have to purchase.

1123 (g) "Taxpayer" includes a general partnership, limited
1124 partnership, limited liability company, trust, or other
1125 artificial entity in which a corporation, as defined in s.
1126 220.03(1)(e), owns an interest and is taxed as a partnership or
1127 is disregarded as a separate entity from the corporation under
1128 chapter 220.

1129 (3) An annual credit against the tax imposed by this
1130 section shall be allowed to a taxpayer, based on the taxpayer's
1131 production and sale of electricity from a new or expanded Florida

601-07390-08

20081544c3

1132 renewable energy facility. For a new facility, the credit shall
1133 be based on the taxpayer's sale of the facility's entire
1134 electrical production. For an expanded facility, the credit shall
1135 be based on the increases in the facility's electrical production
1136 that are achieved after May 1, 2006.

1137 (f)1. Tax credits that may be available under this section
1138 to an entity eligible under this section may be transferred after
1139 a merger or acquisition to the surviving or acquiring entity and
1140 used in the same manner with the same limitations.

1141 2. The entity or its surviving or acquiring entity as
1142 described in subparagraph 1. may transfer any unused credit in
1143 whole or in units of no less than 25 percent of the remaining
1144 credit. The entity acquiring such credit may use it in the same
1145 manner and with the same limitations under this section. Such
1146 transferred credits may not be transferred again although they
1147 may succeed to a surviving or acquiring entity subject to the
1148 same conditions and limitations as described in this section.

1149 3. In the event the credit provided for under this section
1150 is reduced as a result of an examination or audit by the
1151 department, such tax deficiency shall be recovered from the first
1152 entity or the surviving or acquiring entity to have claimed such
1153 credit up to the amount of credit taken. Any subsequent
1154 deficiencies shall be assessed against any entity acquiring and
1155 claiming such credit, or in the case of multiple succeeding
1156 entities in the order of credit succession.

1157 4. It is the intent of the Legislature that this paragraph
1158 is remedial in nature and applies retroactively to the effective
1159 date of the law establishing the credit.

1160 (g) Notwithstanding any other provision of this section,

601-07390-08

20081544c3

1161 credits for the production and sale of electricity from a new or
1162 expanded Florida renewable energy facility may be earned between
1163 January 1, 2007 and June 30, 2010. The combined total amount of
1164 tax credits which may be granted for all taxpayers under this
1165 section is limited to \$5 million per state fiscal year. It is the
1166 intent of the Legislature that this paragraph is remedial in
1167 nature and applies retroactively to the effective date of the law
1168 establishing the credit.

1169 (j) When an entity treated as a partnership or a
1170 disregarded entity under this chapter produces and sells
1171 electricity from a new or expanded renewable energy facility, the
1172 tax credit earned by such entity shall pass through in the same
1173 manner as items of income and expense pass through for federal
1174 income tax purposes. It is the intent of the Legislature that
1175 this paragraph is remedial in nature and applies retroactively to
1176 the effective date of the law establishing the credit.

1177 (k) A taxpayer's use of the tax credit granted pursuant to
1178 this section does not reduce the amount of any credit available
1179 to such taxpayer under s. 220.186. It is the intent of the
1180 Legislature that this paragraph is remedial in nature and applies
1181 retroactively to the effective date of the law establishing the
1182 credit.

1183 Section 13. Subsection (2) of section 253.02, Florida
1184 Statutes, is amended to read:

1185 253.02 Board of trustees; powers and duties.--

1186 (2) (a) The board of trustees shall not sell, transfer, or
1187 otherwise dispose of any lands the title to which is vested in
1188 the board of trustees except by vote of at least three of the
1189 four trustees and as provided in this subsection.

601-07390-08

20081544c3

1190 (b) In order to promote efficient, effective, and
1191 economical management of state lands and utility services and if
1192 the Public Service Commission has determined a need exists or the
1193 Federal Energy Regulatory Commission has granted a Certificate of
1194 Public Convenience and Necessity, the authority to grant
1195 easements for rights-of-way over, across, and upon lands the
1196 title to which is vested in the board of trustees for the
1197 construction and operation of natural gas pipeline transmission
1198 and linear facilities, including electric transmission and
1199 distribution facilities, may be delegated to
1200 the Secretary of Environmental Protection for facilities subject
1201 to part II of chapter 403 or part IV of chapter 373.

1202 Section 14. Subsection (14) is added to section 253.034,
1203 Florida Statutes, to read:

1204 253.034 State-owned lands; uses.--

1205 (14) (a) If a public utility, regional transmission
1206 organization, or natural gas company presents competent and
1207 substantial evidence that its use of nonsovereignty state-owned
1208 lands is reasonable based upon a consideration of economic and
1209 environmental factors, including an assessment of practicable
1210 alternative alignments and assurance that the lands will remain
1211 in their predominantly natural condition, the public utility,
1212 regional transmission organization, or natural gas company may be
1213 granted fee simple title, easements, or other interests in
1214 nonsovereignty state-owned lands title to which is vested in the
1215 board of trustees, a water management district, or any other
1216 agency in the state for:

1217 1. Electric transmission and distribution lines;

1218 2. Natural gas pipelines; or

601-07390-08

20081544c3

1219 3. Other linear facilities for which the Public Service
1220 Commission has determined a need exists or the Federal Energy
1221 Regulatory Commission has issued a Certificate of Public
1222 Convenience and Necessity.

1223 (b) In exchange for less than a fee simple interest
1224 acquired pursuant to this subsection, the grantee shall pay an
1225 amount equal to the fair market value of the interest acquired.
1226 In addition, for the initial grant of such interests only, the
1227 grantee shall also vest in the grantor a fee simple interest to
1228 other available land that is 1.5 times the size of the land
1229 acquired by the grantee. The grantor shall approve the property
1230 to be acquired on its behalf based on the geographic location in
1231 relation to the land relinquished by the grantor agency and a
1232 determination that the economic, ecological, and recreational
1233 value is at least equivalent to that of the property transferred
1234 to the public utility, regional transmission organization, or
1235 natural gas company.

1236 (c) In exchange for a fee simple interest acquired pursuant
1237 to this subsection, the grantee shall pay an amount equal to the
1238 fair market value of the interest acquired. In addition, for the
1239 initial grant of such interests only, the grantee shall also vest
1240 in the grantor a fee simple title to other available land that is
1241 two times the size of the land acquired by the grantee. The
1242 grantor shall approve the land to be acquired on its behalf based
1243 on the geographic location in relation to the land relinquished
1244 by the grantor agency and a determination that the economic and
1245 ecological or recreational value is at least equivalent to that
1246 of the property transferred to the public utility, regional
1247 transmission organization, or natural gas company.

601-07390-08

20081544c3

1248 (d) As an alternative to the consideration provided for in
1249 paragraphs (b) and (c), the grantee may, subject to the grantor's
1250 approval, pay the fair market value of the state-owned land plus
1251 one-half of the cost differential between the cost of
1252 constructing the facility on state-owned land and the cost of
1253 avoiding state-owned lands, up to a maximum of twice the fair
1254 market value of the land acquired by the grantee. The grantor may
1255 use these moneys to acquire fee simple or less than fee simple
1256 interest in other available land.

1257 Section 15. Paragraph (d) of subsection (3) of section
1258 255.249, Florida Statutes, is amended to read:

1259 255.249 Department of Management Services; responsibility;
1260 department rules.--

1261 (3)

1262 (d) By June 30 of each year, each state agency shall
1263 annually provide to the department all information regarding
1264 agency programs affecting the need for or use of space by that
1265 agency, reviews of lease-expiration schedules for each geographic
1266 area, active and planned full-time equivalent data, business case
1267 analyses related to consolidation plans by an agency,
1268 telecommuting plans, and current occupancy and relocation costs,
1269 inclusive of furnishings, fixtures and equipment, data, and
1270 communications.

1271 Section 16. Section 255.251, Florida Statutes, is amended
1272 to read:

1273 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
1274 Act; short title.--Sections 255.251-255.258 may ~~This act shall~~ be
1275 cited as the "Florida Energy Conservation and Sustainable ~~in~~
1276 Buildings Act ~~of 1974.~~"

601-07390-08

20081544c3

1277 Section 17. Section 255.252, Florida Statutes, is amended
1278 to read:

1279 255.252 Findings and intent.--

1280 (1) Operating and maintenance expenditures associated with
1281 energy equipment and with energy consumed in state-financed and
1282 leased buildings represent a significant cost over the life of a
1283 building. Energy conserved by appropriate building design not
1284 only reduces the demand for energy but also reduces costs for
1285 building operation. ~~For example, commercial buildings are~~
1286 ~~estimated to use from 20 to 80 percent more energy than would be~~
1287 ~~required if energy-conserving designs were used.~~ The size,
1288 design, orientation, and operability of windows, the ratio of
1289 ventilating air to air heated or cooled, the level of lighting
1290 consonant with space-use requirements, the handling of occupancy
1291 loads, and the ability to zone off areas not requiring equivalent
1292 levels of heating or cooling are but a few of the considerations
1293 necessary to conserving energy.

1294 (2) Significant efforts are needed to build energy-
1295 efficient state-owned buildings that meet environmental standards
1296 and underway by the General Services Administration, the National
1297 Institute of Standards and Technology, and others to detail the
1298 considerations and practices for energy conservation in
1299 buildings. Most important is that energy-efficient designs
1300 provide energy savings over the life of the building structure.
1301 Conversely, energy-inefficient designs cause excess and wasteful
1302 energy use and high costs over that life. With buildings lasting
1303 many decades and with energy costs escalating rapidly, it is
1304 essential that the costs of operation and maintenance for energy-
1305 using equipment and sustainable materials be included in all

601-07390-08

20081544c3

1306 design proposals for state-owned ~~state~~ buildings.

1307 (3) In order that such energy-efficiency and sustainable
1308 material considerations become a function of building design, and
1309 also a model for future application in the private sector, it
1310 shall be the policy of the state that buildings constructed and
1311 financed by the state be designed and constructed to meet the
1312 United States Green Building Council (USGBC) Leadership in Energy
1313 and Environmental Design (LEED) rating system, the Green Building
1314 Initiative's Green Globes rating system, or the Florida Green
1315 Building Coalition standards, or a nationally recognized high-
1316 performance green building rating system as approved by the
1317 department ~~in a manner which will minimize the consumption of~~
1318 ~~energy used in the operation and maintenance of such buildings.~~
1319 It is further the policy of the state, when economically
1320 feasible, to retrofit existing state-owned buildings in a manner
1321 that ~~which~~ will minimize the consumption of energy used in the
1322 operation and maintenance of such buildings.

1323 (4) In addition to designing and constructing new buildings
1324 to be energy-efficient, it shall be the policy of the state to
1325 operate and, ~~maintain, and renovate existing~~ state facilities, ~~or~~
1326 ~~provide for their renovation,~~ in a manner that ~~which~~ will
1327 minimize energy consumption and maximize building sustainability
1328 as well as ensure that facilities leased by the state are
1329 operated so as to minimize energy use. It is further the policy
1330 of this state that the renovation of existing state facilities be
1331 in accordance with the United States Green Building Council's
1332 Leadership in Energy and Environmental Design (LEED) rating
1333 system, the Green Building Initiative's Green Globes rating
1334 system, the Florida Green Building Coalition standards, or a

601-07390-08

20081544c3

1335 nationally recognized high-performance green building rating
1336 system as approved by the department. State agencies are
1337 encouraged to consider shared savings financing of such energy
1338 efficiency and conservation projects, using contracts which split
1339 the resulting savings for a specified period of time between the
1340 state agency and the private firm or cogeneration contracts that
1341 which otherwise permit the state to lower its net energy costs.
1342 Such energy contracts may be funded from the operating budget.

1343 (5) Each state agency occupying space within buildings
1344 owned or managed by the Department of Management Services must
1345 identify and compile a list of projects determined to be suitable
1346 for a guaranteed energy, water, and wastewater performance
1347 savings contract pursuant to s. 489.145. The list of projects
1348 compiled by each state agency shall be submitted to the
1349 Department of Management Services by December 31, 2008, and must
1350 include all criteria used to determine suitability. The list of
1351 projects shall be developed from the list of state-owned
1352 facilities greater than 5,000 square feet in area and for which
1353 the state agency is responsible for paying the expenses of
1354 utilities and other operating expenses as they relate to energy
1355 use. In consultation with each state agency executive officer, by
1356 July 1, 2009, the department shall prioritize all projects deemed
1357 suitable by each state agency and shall develop an energy-
1358 efficiency project schedule based on factors such as project
1359 magnitude, efficiency and effectiveness of energy conservation
1360 measures to be implemented, and other factors that may prove to
1361 be advantageous to pursue. The schedule shall provide the
1362 deadline for guaranteed energy, water, and wastewater performance
1363 savings contract improvements to be made to the state-owned

601-07390-08

20081544c3

1364 | buildings.

1365 | Section 18. Section 255.253, Florida Statutes, is amended
1366 | to read:

1367 | 255.253 Definitions; ss. 255.251-255.258.--

1368 | (1) "Department" means the Department of Management
1369 | Services.

1370 | (2) "Facility" means a building or other structure.

1371 | (3) "Energy performance index or indices" (EPI) means a
1372 | number describing the energy requirements at the building
1373 | boundary of a facility, per square foot of floor space or per
1374 | cubic foot of occupied volume, as appropriate under defined
1375 | internal and external ambient conditions over an entire seasonal
1376 | cycle. As experience develops on the energy performance achieved
1377 | with state building, the indices (EPI) will serve as a measure of
1378 | building performance with respect to energy consumption.

1379 | (4) "Life-cycle costs" means the cost of owning, operating,
1380 | and maintaining the facility over the life of the structure. This
1381 | may be expressed as an annual cost for each year of the
1382 | facility's use.

1383 | (5) "Shared savings financing" means the financing of
1384 | energy conservation measures and maintenance services through a
1385 | private firm which may own any purchased equipment for the
1386 | duration of a contract, which may ~~shall~~ not exceed 10 years
1387 | unless so authorized by the department. The ~~Such~~ contract shall
1388 | specify that the private firm will be recompensed either out of a
1389 | negotiated portion of the savings resulting from the conservation
1390 | measures and maintenance services provided by the private firm
1391 | or, in the case of a cogeneration project, through the payment of
1392 | a rate for energy lower than would otherwise have been paid for

601-07390-08

20081544c3

1393 the same energy from current sources.

1394 (6) "Sustainable building" means a building that is healthy
1395 and comfortable for its occupants and is economical to operate
1396 while conserving resources, including energy, water, raw
1397 materials, and land, and minimizing the generation and use of
1398 toxic materials and waste in its design, construction,
1399 landscaping, and operation.

1400 (7) "Sustainable building rating" means a rating
1401 established by the United States Green Building Council (USGBC)
1402 Leadership in Energy and Environmental Design (LEED) rating
1403 system, the Green Building Initiative's Green Globes rating
1404 system, or the Florida Green Building Coalition standards.

1405 Section 19. Subsection (1) of section 255.254, Florida
1406 Statutes, is amended to read:

1407 255.254 No facility constructed or leased without life-
1408 cycle costs.--

1409 (1) A No state agency may not ~~shall~~ lease, construct, or
1410 have constructed, within limits prescribed herein, a facility
1411 without having secured from the department an a-proper evaluation
1412 of life-cycle costs based on sustainable building ratings, ~~as~~
1413 ~~computed by an architect or engineer.~~ Furthermore, construction
1414 shall proceed only upon disclosing to the department, for the
1415 facility chosen, the life-cycle costs as determined in s.
1416 255.255, its sustainable building rating goal, and the
1417 capitalization of the initial construction costs of the building.
1418 The life-cycle costs and the sustainable building rating goal
1419 shall be a primary considerations ~~consideration~~ in the selection
1420 of a building design. ~~Such analysis shall be required only for~~
1421 ~~construction of buildings with an area of 5,000 square feet or~~

601-07390-08

20081544c3

1422 ~~greater.~~ For leased buildings 5,000 square foot areas of 20,000
1423 ~~square feet~~ or greater within a given building boundary, an
1424 energy performance a life-cycle analysis consisting of a
1425 projection of the annual energy consumption costs in dollars per
1426 square foot of major energy-consuming equipment and systems based
1427 on actual expenses, from the last 3 years, and projected forward
1428 for the term of the proposed lease shall be performed. ~~The, and a~~
1429 lease shall ~~only~~ be made only where there is a showing that the
1430 energy life-cycle costs incurred by the state are minimal
1431 compared to available like facilities. Any building leased by the
1432 state from a private-sector entity shall include, as a part of
1433 the lease, provisions for monthly energy-use data to be collected
1434 and submitted monthly to the department by the owner of the
1435 building.

1436 Section 20. Subsection (1) of section 255.255, Florida
1437 Statutes, is amended to read:

1438 255.255 Life-cycle costs.--

1439 (1) The department shall adopt ~~promulgate~~ rules and
1440 procedures, including energy conservation performance guidelines,
1441 based on sustainable building ratings, for conducting a life-
1442 cycle cost analysis of alternative architectural and engineering
1443 designs and alternative major items of energy-consuming equipment
1444 to be retrofitted in existing state-owned or leased facilities
1445 and for developing energy performance indices to evaluate the
1446 efficiency of energy utilization for competing designs in the
1447 construction of state-financed ~~and leased~~ facilities.

1448 Section 21. Section 255.257, Florida Statutes, is amended
1449 to read:

1450 255.257 Energy management; buildings occupied by state

601-07390-08

20081544c3

1451 agencies.--

1452 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
1453 shall collect data on energy consumption and cost. The data
1454 gathered shall be on state-owned facilities and metered state-
1455 leased facilities of 5,000 net square feet or more. These data
1456 will be used in the computation of the effectiveness of the state
1457 energy management plan and the effectiveness of the energy
1458 management program of each of the state agencies. Collected data
1459 shall be reported annually to the department in a format
1460 prescribed by the department.

1461 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency, the
1462 Florida Public Service Commission, the Department of Military
1463 Affairs, and the judicial branch shall appoint a coordinator
1464 whose responsibility shall be to advise the head of the state
1465 agency on matters relating to energy consumption in facilities
1466 under the control of that head or in space occupied by the
1467 various units comprising that state agency, in vehicles operated
1468 by that state agency, and in other energy-consuming activities of
1469 the state agency. The coordinator shall implement the energy
1470 management program agreed upon by the state agency concerned and
1471 assist the department in the development of the State Energy
1472 Management Plan.

1473 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
1474 Department of Management Services shall ~~may~~ develop a state
1475 energy management plan consisting of, but not limited to, the
1476 following elements:

- 1477 (a) Data-gathering requirements;
1478 (b) Building energy audit procedures;
1479 (c) Uniform data analysis procedures;

601-07390-08

20081544c3

- 1480 (d) Employee energy education program measures;
1481 (e) Energy consumption reduction techniques;
1482 (f) Training program for state agency energy management
1483 coordinators; and
1484 (g) Guidelines for building managers.
1485

1486 The plan shall include a description of actions to be taken by
1487 all state agencies to reduce consumption of electricity and
1488 nonrenewable energy sources used for space heating and cooling,
1489 ventilation, lighting, water heating, and transportation.

1490 (4) All state agencies shall adopt the United States Green
1491 Building Council's Leadership in Energy and Environmental Design
1492 (LEED) rating system, the Green Building Initiative's Green
1493 Globes rating system, or the Florida Green Building Coalition
1494 standards.

1495 (5) A state agency may not enter into new leasing
1496 agreements for office space that does not meet Energy Star
1497 building standards unless the appropriate state government entity
1498 executive determines that no other viable or cost-effective
1499 alternative exists.

1500 (6) All state agencies shall develop energy-conservation
1501 measures and guidelines for new and existing office space where
1502 state agencies occupy more than 5,000 square feet. These
1503 conservation measures shall focus on programs that may reduce
1504 energy consumption and, when established, will provide a net
1505 reduction in occupancy costs.

1506 Section 22. Section 286.275, Florida Statutes, is created
1507 to read:

1508 286.275 Climate friendly public business.--The Legislature

601-07390-08

20081544c3

1509 recognizes the importance of leadership by state government in
1510 the area of energy efficiency and in reducing the greenhouse gas
1511 emissions of state government operations. The following shall
1512 pertain to all state government entities, as defined in this
1513 section, when conducting public business:

1514 (1) The Department of Management Services shall develop the
1515 Florida Climate Friendly Preferred Products List. In maintaining
1516 that list, the department, in consultation with the Department of
1517 Environmental Protection, shall continually assess products that
1518 are currently available for purchase under state term contracts
1519 and identify specific products and vendors that provide clear
1520 energy efficiency or other environmental benefits over competing
1521 products. When procuring products from state term contracts,
1522 state agencies shall first consult the Florida Climate Friendly
1523 Preferred Products List and procure such products if the price is
1524 comparable.

1525 (2) Effective July 1, 2008, state agencies shall contract
1526 for meeting and conference space only with hotels or conference
1527 facilities that have received the "Green Lodging" designation
1528 from the Department of Environmental Protection for best
1529 practices in water, energy, and waste-efficiency standards,
1530 unless the responsible state agency's chief executive officer
1531 makes a determination that no other viable alternative exists.
1532 The Department of Environmental Protection is authorized to adopt
1533 rules to implement the "Green Lodging" program.

1534 (3) The Department of Environmental Protection may
1535 establish voluntary technical assistance programs in accordance
1536 with s. 403.074. Such programs may include the Clean Marinas,
1537 Clean Boatyards, Clean Retailers, Clean Boaters, and Green Yards

601-07390-08

20081544c3

1538 Programs. The programs may include certifications, designations,
1539 or other forms of recognition. The department may implement some
1540 or all of these programs through rulemaking; however, the rules
1541 may not impose requirements on a person who does not wish to
1542 participate in a program. Each state agency shall patronize
1543 businesses that have received such certifications or designations
1544 to the greatest extent practicable.

1545 (4) Each state agency shall ensure that all maintained
1546 vehicles meet minimum maintenance schedules shown to reduce fuel
1547 consumption, which include ensuring appropriate tire pressures
1548 and tread depth, replacing fuel filters and emission filters at
1549 recommended intervals, using proper motor oils, and performing
1550 timely motor maintenance. Each state agency shall measure and
1551 report compliance to the Department of Management Services
1552 through the Equipment Management Information System database.

1553 (5) When procuring a vehicle, state agencies shall first
1554 define the intended purpose of the vehicle and determine for
1555 which of the following use classes the vehicle is being procured:

- 1556 (a) State business travel, designated operator;
1557 (b) State business travel, pool operators;
1558 (c) Construction, agricultural or maintenance work;
1559 (d) Conveyance of passengers;
1560 (e) Conveyance of building or maintenance materials and
1561 supplies;
1562 (f) Off-road vehicles, motorcycles, and all-terrain
1563 vehicles;
1564 (g) Emergency response; or
1565 (h) Other.
1566

601-07390-08

20081544c3

1567 Vehicles in paragraphs (a) through (h), when being processed for
1568 purchase or leasing agreements, must be selected for the greatest
1569 fuel efficiency available for a given use class when fuel-economy
1570 data are available. Exceptions may be made for certain individual
1571 vehicles in subparagraph 7., when accompanied, during the
1572 procurement process, by documentation indicating that the
1573 operator or operators will exclusively be emergency first
1574 responders or have special documented need for exceptional
1575 vehicle performance characteristics. Any request for an exception
1576 must be approved by the purchasing agency's chief executive
1577 officer and any exceptional performance characteristics denoted
1578 as a part of the procurement process prior to purchase.

1579 (6) All state agencies shall use ethanol and biodiesel-
1580 blended fuels, when available. State agencies administering
1581 central fueling operations for state-owned vehicles shall procure
1582 biofuels for fleet needs to the greatest extent practicable.

1583 Section 23. Paragraph (b) of subsection (2) and subsection
1584 (5) of section 287.063, Florida Statutes, are amended to read:

1585 287.063 Deferred-payment commodity contracts; preaudit
1586 review.--

1587 (2)

1588 (b) The Chief Financial Officer shall establish, by rule,
1589 criteria for approving purchases made under deferred-payment
1590 contracts which require the payment of interest. Criteria shall
1591 include, but not be limited to, the following provisions:

1592 1. No contract shall be approved in which interest exceeds
1593 the statutory ceiling contained in this section. However, the
1594 interest component of any master equipment financing agreement
1595 entered into for the purpose of consolidated financing of a

601-07390-08

20081544c3

1596 deferred-payment, installment sale, or lease-purchase shall be
1597 deemed to comply with the interest rate limitation of this
1598 section so long as the interest component of every interagency
1599 agreement under such master equipment financing agreement
1600 complies with the interest rate limitation of this section.

1601 2. No deferred-payment purchase for less than \$30,000 shall
1602 be approved, unless it can be satisfactorily demonstrated and
1603 documented to the Chief Financial Officer that failure to make
1604 such deferred-payment purchase would adversely affect an agency
1605 in the performance of its duties. However, the Chief Financial
1606 Officer may approve any deferred-payment purchase if the Chief
1607 Financial Officer determines that such purchase is economically
1608 beneficial to the state.

1609 ~~3. No agency shall obligate an annualized amount of~~
1610 ~~payments for deferred-payment purchases in excess of current~~
1611 ~~operating capital outlay appropriations, unless specifically~~
1612 ~~authorized by law or unless it can be satisfactorily demonstrated~~
1613 ~~and documented to the Chief Financial Officer that failure to~~
1614 ~~make such deferred-payment purchase would adversely affect an~~
1615 ~~agency in the performance of its duties.~~

1616 3.4. No contract shall be approved which extends payment
1617 beyond 5 years, unless it can be satisfactorily demonstrated and
1618 documented to the Chief Financial Officer that failure to make
1619 such deferred-payment purchase would adversely affect an agency
1620 in the performance of its duties. The payment term may not exceed
1621 the useful life of the equipment unless the contract provides for
1622 the replacement or the extension of the useful life of the
1623 equipment during the term of the loan.

1624 (5) For purposes of this section, the annualized amount of

601-07390-08

20081544c3

1625 any such deferred payment commodity contract must be supported
1626 from available recurring funds appropriated to the agency in an
1627 appropriation category, ~~other than the expense appropriation~~
1628 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1629 Financial Officer has determined is appropriate or that the
1630 Legislature has designated for payment of the obligation incurred
1631 under this section.

1632 Section 24. Subsections (10) and (11) of section 287.064,
1633 Florida Statutes, are amended to read:

1634 287.064 Consolidated financing of deferred-payment
1635 purchases.--

1636 (10) (a) A master equipment financing agreement may finance
1637 the cost of energy, water, or wastewater efficiency and
1638 conservation measures, as defined in s. 489.145, excluding the
1639 costs of training, operation, and maintenance, for a term of
1640 repayment that may exceed 5 years but not more than 20 years.

1641 (b) The guaranteed energy, water, and wastewater savings
1642 contractor shall provide for the replacement or the extension of
1643 the useful life of the equipment during the term of the contract.
1644 ~~Costs incurred pursuant to a guaranteed energy performance~~
1645 ~~savings contract, including the cost of energy conservation~~
1646 ~~measures, each as defined in s. 489.145, may be financed pursuant~~
1647 ~~to a master equipment financing agreement; however, the costs of~~
1648 ~~training, operation, and maintenance may not be financed. The~~
1649 ~~period of time for repayment of the funds drawn pursuant to the~~
1650 ~~master equipment financing agreement under this subsection may~~
1651 ~~exceed 5 years but may not exceed 10 years.~~

1652 (11) For purposes of consolidated financing of deferred
1653 payment commodity contracts under this section by a state agency,

601-07390-08

20081544c3

1654 | the annualized amount of any such contract must be supported from
1655 | available recurring funds appropriated to the agency in an
1656 | appropriation category, ~~other than the expense appropriation~~
1657 | ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1658 | Financial Officer has determined is appropriate or which ~~that~~ the
1659 | Legislature has designated for payment of the obligation incurred
1660 | under this section.

1661 | Section 25. Subsection (12) is added to section 287.16,
1662 | Florida Statutes, to read:

1663 | 287.16 Powers and duties of department.--The Department of
1664 | Management Services shall have the following powers, duties, and
1665 | responsibilities:

1666 | (12) To conduct, in coordination with the Department of
1667 | Transportation, an analysis of ethanol and biodiesel use by the
1668 | Department of Transportation through its central fueling
1669 | facilities. The Department of Management Services shall encourage
1670 | other state government entities to analyze transportation fuel
1671 | usage, including the different types and percentages of fuels
1672 | consumed, and report such information to the department.

1673 | Section 26. Present paragraphs (a) through (n) of
1674 | subsection (2) of section 288.1089, Florida Statutes, are
1675 | redesignated as paragraphs (b) through (o), respectively, and a
1676 | new paragraph (a) is added to that subsection, subsection (3) of
1677 | that section is amended, and paragraph (d) is added to subsection
1678 | (4) of that section, to read:

1679 | 288.1089 Innovation Incentive Program.--

1680 | (2) As used in this section, the term:

1681 | (a) "Alternative and renewable energy" means electrical,
1682 | mechanical, or thermal energy produced from a method that uses

601-07390-08

20081544c3

1683 one or more of the following fuels or energy sources: ethanol,
1684 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
1685 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
1686 or geothermal.

1687 (3) To be eligible for consideration for an innovation
1688 incentive award, an innovation business, ~~or~~ research and
1689 development entity, or alternative and renewable energy project
1690 must submit a written application to Enterprise Florida, Inc.,
1691 before making a decision to locate new operations in this state
1692 or expand an existing operation in this state. The application
1693 must include, but not be limited to:

1694 (a) The applicant's federal employer identification number,
1695 unemployment account number, and state sales tax registration
1696 number. If such numbers are not available at the time of
1697 application, they must be submitted to the office in writing
1698 prior to the disbursement of any payments under this section.

1699 (b) The location in this state at which the project is
1700 located or is to be located.

1701 (c) A description of the type of business activity,
1702 product, or research and development undertaken by the applicant,
1703 including six-digit North American Industry Classification System
1704 codes for all activities included in the project.

1705 (d) The applicant's projected investment in the project.

1706 (e) The total investment, from all sources, in the project.

1707 (f) The number of net new full-time equivalent jobs in this
1708 state the applicant anticipates having created as of December 31
1709 of each year in the project and the average annual wage of such
1710 jobs.

1711 (g) The total number of full-time equivalent employees

601-07390-08

20081544c3

1712 currently employed by the applicant in this state, if applicable.

1713 (h) The anticipated commencement date of the project.

1714 (i) A detailed explanation of why the innovation incentive
1715 is needed to induce the applicant to expand or locate in the
1716 state and whether an award would cause the applicant to locate or
1717 expand in this state.

1718 (j) If applicable, an estimate of the proportion of the
1719 revenues resulting from the project that will be generated
1720 outside this state.

1721 (4) To qualify for review by the office, the applicant
1722 must, at a minimum, establish the following to the satisfaction
1723 of Enterprise Florida, Inc., and the office:

1724 (d) For an alternative and renewable energy project in this
1725 state, the project must:

1726 1. Demonstrate a plan for significant collaboration with an
1727 institution of higher education;

1728 2. Provide the state, at a minimum, a break-even return on
1729 investment within a 20-year period;

1730 3. Include matching funds provided by the applicant or
1731 other available sources. This requirement may be waived if the
1732 office and the department determine that the merits of the
1733 individual project or the specific circumstances warrant such
1734 action;

1735 4. Be located in this state;

1736 5. Provide jobs that pay an estimated annual average wage
1737 that equals at least 130 percent of the average private-sector
1738 wage. The average wage requirement may be waived if the office
1739 and the commission determine that the merits of the individual
1740 project or the specific circumstances warrant such action; and

601-07390-08

20081544c3

- 1741 6. Meet one of the following criteria:
- 1742 a. Result in the creation of at least 35 direct, new jobs
1743 at the business.
- 1744 b. Have an activity or product that uses feedstock or other
1745 raw materials grown or produced in this state.
- 1746 c. Have a cumulative investment of at least \$50 million
1747 within a 5-year period.
- 1748 d. Address the technical feasibility of the technology, and
1749 the extent to which the proposed project has been demonstrated to
1750 be technically feasible based on pilot project demonstrations,
1751 laboratory testing, scientific modeling, or engineering or
1752 chemical theory that supports the proposal.
- 1753 e. Include innovative technology and the degree to which
1754 the project or business incorporates an innovative new technology
1755 or an innovative application of an existing technology.
- 1756 f. Include production potential and the degree to which a
1757 project or business generates thermal, mechanical, or electrical
1758 energy by means of a renewable energy resource that has
1759 substantial long-term production potential. The project must, to
1760 the extent possible, quantify annual production potential in
1761 megawatts or kilowatts.
- 1762 g. Include and address energy efficiency and the degree to
1763 which a project demonstrates efficient use of energy, water, and
1764 material resources.
- 1765 h. Include project management and the ability of management
1766 to administer a complete the business project.
- 1767 Section 27. Subsection (1) of section 337.401, Florida
1768 Statutes, is amended to read:
- 1769 337.401 Use of right-of-way for utilities subject to

601-07390-08

20081544c3

1770 regulation; permit; fees.--

1771 (1) The department and local governmental entities,
1772 referred to in ss. 337.401-337.404 as the "authority," that have
1773 jurisdiction and control of public roads or publicly owned rail
1774 corridors are authorized to prescribe and enforce reasonable
1775 rules or regulations with reference to the placing and
1776 maintaining along, across, or on any road or publicly owned rail
1777 corridors under their respective jurisdictions any electric
1778 transmission, telephone, telegraph, or other communications
1779 services lines; pole lines; poles; railways; ditches; sewers;
1780 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1781 pumps; or other structures ~~hereinafter~~ referred to in this
1782 section as the "utility." For aerial and underground electric
1783 utility transmission lines designed to operate at 69 kV or more
1784 which are needed to accommodate the additional electrical
1785 transfer capacity on the transmission grid resulting from new
1786 base-load generating facilities, where there is no other
1787 practicable alternative available for placement of the electric
1788 utility transmission lines on the department's rights-of-way, the
1789 department's rules shall provide for placement of and access to
1790 such transmission lines within the right-of-way of any
1791 department-controlled public roads, including longitudinally
1792 within limited access facilities to the greatest extent allowed
1793 by federal law if compliance with the standards established by
1794 such rules is achieved. Such rules may include, but need not be
1795 limited to, presentation of competent and substantial evidence
1796 that the use of the right-of-way is reasonable based upon a
1797 consideration of economic and environmental factors, including,
1798 without limitation, other utility corridors and easements and

601-07390-08

20081544c3

1799 minimum clear zones and other safety standards if such
1800 improvements do not interfere with operational requirements of
1801 the transportation facility or planned or potential future
1802 expansion of such transportation facility. If the department
1803 approves longitudinal placement of electric utility transmission
1804 lines in limited access facilities, compensation for the use of
1805 the right-of-way is required. Such consideration or compensation
1806 paid by the electric utility in connection with the department's
1807 issuance of a permit does not create any property right in the
1808 department's property regardless of the amount of consideration
1809 paid or the improvements constructed on the property by the
1810 utility. Upon notice by the department that the property is
1811 needed for expansion or improvement of the transportation
1812 facility, the electric utility transmission line shall relocate
1813 from the facility at the electric utility's sole expense. Such
1814 relocation shall occur under a schedule mutually agreed upon by
1815 the department and the electric utility, taking into
1816 consideration the maintenance of overall grid reliability and
1817 minimizing the relocation costs to the electric utility's
1818 customers. If the utility fails to meet the agreed upon schedule
1819 for relocation, the utility shall be responsible for reasonable
1820 direct delay damages due to the sole negligence of the electric
1821 utility as determined by a court of competent jurisdiction. As
1822 used in this subsection, the term "base-load generating
1823 facilities" mean electrical power plants that are certified under
1824 part II of chapter 403. The department may enter into a permit-
1825 delegation agreement with a governmental entity if issuance of a
1826 permit is based on requirements that the department finds will
1827 ensure the safety and integrity of facilities of the Department

601-07390-08

20081544c3

1828 of Transportation; however, the permit-delegation agreement does
1829 not apply to facilities of electric utilities as defined in s.
1830 366.02(2).

1831 Section 28. Subsections (1) and (7) of section 339.175,
1832 Florida Statutes, are amended to read:

1833 339.175 Metropolitan planning organization.--

1834 (1) PURPOSE.--It is the intent of the Legislature to
1835 encourage and promote the safe and efficient management,
1836 operation, and development of surface transportation systems that
1837 will serve the mobility needs of people and freight and foster
1838 economic growth and development within and through urbanized
1839 areas of this state while minimizing transportation-related fuel
1840 consumption, ~~and~~ air pollution, and greenhouse gas emissions
1841 through metropolitan transportation planning processes identified
1842 in this section. To accomplish these objectives, metropolitan
1843 planning organizations, referred to in this section as M.P.O.'s,
1844 shall develop, in cooperation with the state and public transit
1845 operators, transportation plans and programs for metropolitan
1846 areas. The plans and programs for each metropolitan area must
1847 provide for the development and integrated management and
1848 operation of transportation systems and facilities, including
1849 pedestrian walkways and bicycle transportation facilities that
1850 will function as an intermodal transportation system for the
1851 metropolitan area, based upon the prevailing principles provided
1852 in s. 334.046(1). The process for developing such plans and
1853 programs shall provide for consideration of all modes of
1854 transportation and shall be continuing, cooperative, and
1855 comprehensive, to the degree appropriate, based on the complexity
1856 of the transportation problems to be addressed. To ensure that

601-07390-08

20081544c3

1857 | the process is integrated with the statewide planning process,
1858 | M.P.O.'s shall develop plans and programs that identify
1859 | transportation facilities that should function as an integrated
1860 | metropolitan transportation system, giving emphasis to facilities
1861 | that serve important national, state, and regional transportation
1862 | functions. For the purposes of this section, those facilities
1863 | include the facilities on the Strategic Intermodal System
1864 | designated under s. 339.63 and facilities for which projects have
1865 | been identified pursuant to s. 339.2819(4).

1866 | (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1867 | develop a long-range transportation plan that addresses at least
1868 | a 20-year planning horizon. The plan must include both long-range
1869 | and short-range strategies and must comply with all other state
1870 | and federal requirements. The prevailing principles to be
1871 | considered in the long-range transportation plan are: preserving
1872 | the existing transportation infrastructure; enhancing Florida's
1873 | economic competitiveness; and improving travel choices to ensure
1874 | mobility. The long-range transportation plan must be consistent,
1875 | to the maximum extent feasible, with future land use elements and
1876 | the goals, objectives, and policies of the approved local
1877 | government comprehensive plans of the units of local government
1878 | located within the jurisdiction of the M.P.O. Each M.P.O. is
1879 | encouraged to consider strategies that integrate transportation
1880 | and land use planning to provide for sustainable development and
1881 | reduce greenhouse gas emissions. The approved long-range
1882 | transportation plan must be considered by local governments in
1883 | the development of the transportation elements in local
1884 | government comprehensive plans and any amendments thereto. The
1885 | long-range transportation plan must, at a minimum:

601-07390-08

20081544c3

1886 (a) Identify transportation facilities, including, but not
1887 limited to, major roadways, airports, seaports, spaceports,
1888 commuter rail systems, transit systems, and intermodal or
1889 multimodal terminals that will function as an integrated
1890 metropolitan transportation system. The long-range transportation
1891 plan must give emphasis to those transportation facilities that
1892 serve national, statewide, or regional functions, and must
1893 consider the goals and objectives identified in the Florida
1894 Transportation Plan as provided in s. 339.155. If a project is
1895 located within the boundaries of more than one M.P.O., the
1896 M.P.O.'s must coordinate plans regarding the project in the long-
1897 range transportation plan.

1898 (b) Include a financial plan that demonstrates how the plan
1899 can be implemented, indicating resources from public and private
1900 sources which are reasonably expected to be available to carry
1901 out the plan, and recommends any additional financing strategies
1902 for needed projects and programs. The financial plan may include,
1903 for illustrative purposes, additional projects that would be
1904 included in the adopted long-range transportation plan if
1905 reasonable additional resources beyond those identified in the
1906 financial plan were available. For the purpose of developing the
1907 long-range transportation plan, the M.P.O. and the department
1908 shall cooperatively develop estimates of funds that will be
1909 available to support the plan implementation. Innovative
1910 financing techniques may be used to fund needed projects and
1911 programs. Such techniques may include the assessment of tolls,
1912 the use of value capture financing, or the use of value pricing.

1913 (c) Assess capital investment and other measures necessary
1914 to:

601-07390-08

20081544c3

1915 1. Ensure the preservation of the existing metropolitan
1916 transportation system including requirements for the operation,
1917 resurfacing, restoration, and rehabilitation of major roadways
1918 and requirements for the operation, maintenance, modernization,
1919 and rehabilitation of public transportation facilities; and

1920 2. Make the most efficient use of existing transportation
1921 facilities to relieve vehicular congestion and maximize the
1922 mobility of people and goods.

1923 (d) Indicate, as appropriate, proposed transportation
1924 enhancement activities, including, but not limited to, pedestrian
1925 and bicycle facilities, scenic easements, landscaping, historic
1926 preservation, mitigation of water pollution due to highway
1927 runoff, and control of outdoor advertising.

1928 (e) In addition to the requirements of paragraphs (a)-(d),
1929 in metropolitan areas that are classified as nonattainment areas
1930 for ozone or carbon monoxide, the M.P.O. must coordinate the
1931 development of the long-range transportation plan with the State
1932 Implementation Plan developed pursuant to the requirements of the
1933 federal Clean Air Act.

1934
1935 In the development of its long-range transportation plan, each
1936 M.P.O. must provide the public, affected public agencies,
1937 representatives of transportation agency employees, freight
1938 shippers, providers of freight transportation services, private
1939 providers of transportation, representatives of users of public
1940 transit, and other interested parties with a reasonable
1941 opportunity to comment on the long-range transportation plan. The
1942 long-range transportation plan must be approved by the M.P.O.

1943 Section 29. Section 366.82, Florida Statutes, is amended to

601-07390-08

20081544c3

1944 read:

1945 366.82 Definition; goals; plans; programs; annual reports;
1946 energy audits.--

1947 (1) For the purposes of ss. 366.80-366.85 and 403.519,
1948 "utility" means any person or entity of whatever form which
1949 provides electricity or natural gas at retail to the public,
1950 specifically including municipalities or instrumentalities
1951 thereof and cooperatives organized under the Rural Electric
1952 Cooperative Law and specifically excluding any municipality or
1953 instrumentality thereof, any cooperative organized under the
1954 Rural Electric Cooperative Law, or any other person or entity
1955 providing natural gas at retail to the public whose annual sales
1956 volume is less than 100 million therms or any municipality or
1957 instrumentality thereof and any cooperative organized under the
1958 Rural Electric Cooperative Law providing electricity at retail to
1959 the public whose annual sales as of July 1, 1993, to end-use
1960 customers is less than 2,000 gigawatt hours.

1961 (2) The commission shall adopt appropriate goals for
1962 increasing the efficiency of energy consumption and increasing
1963 the development of cogeneration, specifically including goals
1964 designed to increase the conservation of expensive resources,
1965 such as petroleum fuels, to reduce and control the growth rates
1966 of electric consumption, and to reduce the growth rates of
1967 weather-sensitive peak demand. The Executive Office of the
1968 Governor shall be a party in the proceedings to adopt goals. The
1969 commission may change the goals for reasonable cause. The time
1970 period to review the goals, however, must ~~shall~~ not exceed 5
1971 years. After the programs and plans to meet those goals are
1972 completed, the commission shall determine what further goals,

601-07390-08

20081544c3

1973 | programs, or plans are warranted and, if so, shall adopt them.

1974 | (3) The commission shall publish a notice of proposed
1975 | rulemaking no later than July 1, 2009, requiring electric
1976 | utilities to offset 20 percent of their annual load-growth
1977 | through energy efficiency and conservation measures thereby
1978 | constituting an energy-efficiency portfolio standard. The
1979 | commission may allow efficiency investments across generation,
1980 | transmission, and distribution as well as efficiencies within the
1981 | user base. As part of the implementation rules, the commission
1982 | shall create an in-state market for tradable credits enabling
1983 | those electric utilities that exceed the standard to sell credits
1984 | to those that cannot meet the standard for a given year. This
1985 | efficiency standard is separate from and exclusive of the
1986 | renewable portfolio standard that requires electricity providers
1987 | to obtain a minimum percentage of their power from renewable
1988 | energy resources. Every 3 years the commission shall review and
1989 | reevaluate this efficacy of efficiency standard on a regional and
1990 | statewide approach.

1991 | ~~(4)~~~~(3)~~ Following adoption of goals pursuant to subsection
1992 | (2), the commission shall require each utility to develop plans
1993 | and programs to meet the overall goals within its service area.
1994 | If any plan or program includes loans, collection of loans, or
1995 | similar banking functions by a utility and the plan is approved
1996 | by the commission, the utility shall perform such functions,
1997 | notwithstanding any other provision of the law. The commission
1998 | may pledge up to \$5 million of the Florida Public Service
1999 | Regulatory Trust Fund to guarantee such loans. However, no
2000 | utility shall be required to loan its funds for the purpose of
2001 | purchasing or otherwise acquiring conservation measures or

601-07390-08

20081544c3

2002 | devices, but nothing herein shall prohibit or impair the
2003 | administration or implementation of a utility plan as submitted
2004 | by a utility and approved by the commission under this
2005 | subsection. If the commission disapproves a plan, it shall
2006 | specify the reasons for disapproval, and the utility whose plan
2007 | is disapproved shall resubmit its modified plan within 30 days.
2008 | Prior approval by the commission shall be required to modify or
2009 | discontinue a plan, or part thereof, which has been approved. If
2010 | any utility has not implemented its programs and is not
2011 | substantially in compliance with the provisions of its approved
2012 | plan at any time, the commission shall adopt programs required
2013 | for that utility to achieve the overall goals. Utility programs
2014 | may include variations in rate design, load control,
2015 | cogeneration, residential energy conservation subsidy, or any
2016 | other measure within the jurisdiction of the commission which the
2017 | commission finds likely to be effective; this provision shall not
2018 | be construed to preclude these measures in any plan or program.

2019 | (5)~~(4)~~ The commission shall require periodic reports from
2020 | each utility and shall provide the Legislature and the Governor
2021 | with an annual report by March 1 of the goals it has adopted and
2022 | its progress toward meeting those goals. The commission shall
2023 | also consider the performance of each utility pursuant to ss.
2024 | 366.80-366.85 and 403.519 when establishing rates for those
2025 | utilities over which the commission has ratesetting authority.

2026 | (6) The commission shall require municipal and cooperative
2027 | utilities that are exempt from the Florida Energy Efficiency and
2028 | Conservation Act to submit an annual report to the commission
2029 | identifying energy efficiency and conservation goals and the
2030 | actions taken to meet those goals.

601-07390-08

20081544c3

2031 (7)~~(5)~~ The commission shall require each utility to offer,
2032 or to contract to offer, energy audits to its residential
2033 customers. This requirement need not be uniform, but may be based
2034 on such factors as level of usage, geographic location, or any
2035 other reasonable criterion, so long as all eligible customers are
2036 notified. The commission may extend this requirement to some or
2037 all commercial customers. The commission shall set the charge for
2038 audits by rule, not to exceed the actual cost, and may describe
2039 by rule the general form and content of an audit. In the event
2040 one utility contracts with another utility to perform audits for
2041 it, the utility for which the audits are performed shall pay the
2042 contracting utility the reasonable cost of performing the audits.
2043 Each utility over which the commission has ratesetting authority
2044 shall estimate its costs and revenues for audits, conservation
2045 programs, and implementation of its plan for the immediately
2046 following 6-month period. Reasonable and prudent unreimbursed
2047 costs projected to be incurred, or any portion of such costs, may
2048 be added to the rates which would otherwise be charged by a
2049 utility upon approval by the commission, provided that the
2050 commission shall not allow the recovery of the cost of any
2051 company image-enhancing advertising or of any advertising not
2052 directly related to an approved conservation program. Following
2053 each 6-month period, each utility shall report the actual results
2054 for that period to the commission, and the difference, if any,
2055 between actual and projected results shall be taken into account
2056 in succeeding periods. The state plan as submitted for
2057 consideration under the National Energy Conservation Policy Act
2058 shall not be in conflict with any state law or regulation.

2059 (8)~~(6)~~(a) Notwithstanding the provisions of s. 377.703, the

601-07390-08

20081544c3

2060 commission shall be the responsible state agency for performing,
2061 coordinating, implementing, or administering the functions of the
2062 state plan submitted for consideration under the National Energy
2063 Conservation Policy Act and any acts amendatory thereof or
2064 supplemental thereto and for performing, coordinating,
2065 implementing, or administering the functions of any future
2066 federal program delegated to the state which relates to
2067 consumption, utilization, or conservation of electricity or
2068 natural gas; and the commission shall have exclusive
2069 responsibility for preparing all reports, information, analyses,
2070 recommendations, and materials related to consumption,
2071 utilization, or conservation of electrical energy which are
2072 required or authorized by s. 377.703.

2073 (b) The Florida Energy and Climate Commission, as created
2074 in s. 377.6015, ~~Executive Office of the Governor~~ shall be a party
2075 in the proceedings to adopt goals and shall file with the
2076 commission comments on the proposed goals including, but not
2077 limited to:

2078 1. An evaluation of utility load forecasts, including an
2079 assessment of alternative supply and demand side resource
2080 options.

2081 2. An analysis of various policy options which can be
2082 implemented to achieve a least-cost strategy.

2083 (9)~~(7)~~ The commission shall establish all minimum
2084 requirements for energy auditors used by each utility. The
2085 commission is authorized to contract with any public agency or
2086 other person to provide any training, testing, evaluation, or
2087 other step necessary to fulfill the provisions of this
2088 subsection.

601-07390-08

20081544c3

2089 (10) In evaluating the cost-effectiveness of demand-side
2090 management programs, the commission shall use methodologies that
2091 recognize the noneconomic benefits associated with reduced energy
2092 demand from energy efficiency and conservation programs and that
2093 recognize the benefits associated with not constructing new
2094 generation capacity.

2095 Section 30. Paragraph (d) of subsection (1) of section
2096 366.8255, Florida Statutes, is amended to read:

2097 366.8255 Environmental cost recovery.--

2098 (1) As used in this section, the term:

2099 (d) "Environmental compliance costs" includes all costs or
2100 expenses incurred by an electric utility in complying with
2101 environmental laws or regulations, including, but not limited to:

- 2102 1. Inservice capital investments, including the electric
2103 utility's last authorized rate of return on equity thereon;
- 2104 2. Operation and maintenance expenses;
- 2105 3. Fuel procurement costs;
- 2106 4. Purchased power costs;
- 2107 5. Emission allowance costs;
- 2108 6. Direct taxes on environmental equipment; ~~and~~
- 2109 7. Costs or expenses prudently incurred by an electric
2110 utility pursuant to an agreement entered into on or after the
2111 effective date of this act and prior to October 1, 2002, between
2112 the electric utility and the Florida Department of Environmental
2113 Protection or the United States Environmental Protection Agency
2114 for the exclusive purpose of ensuring compliance with ozone
2115 ambient air quality standards by an electrical generating
2116 facility owned by the electric utility;~~;~~
- 2117 8. Costs or expenses prudently incurred for scientific

601-07390-08

20081544c3

2118 research and geological assessments of carbon capture and storage
2119 for the purpose of reducing an electric utility's greenhouse gas
2120 emissions as defined in s. 403.44 when such costs or expenses are
2121 incurred in joint research projects with this state's government
2122 agencies and universities; and

2123 9. Costs or expenses prudently incurred for the
2124 quantification, reporting, and verification of greenhouse gas
2125 emissions by third parties as required for participation in
2126 emission registries.

2127 Section 31. Section 366.92, Florida Statutes, is amended to
2128 read:

2129 366.92 Florida renewable energy policy.--

2130 (1) It is the intent of the Legislature to promote the
2131 development of renewable energy; protect the economic viability
2132 of Florida's existing renewable energy facilities; diversify the
2133 types of fuel used to generate electricity in Florida; lessen
2134 Florida's dependence on natural gas and fuel oil for the
2135 production of electricity; minimize the volatility of fuel costs;
2136 encourage investment within the state; improve environmental
2137 conditions; and, at the same time, minimize the costs of power
2138 supply to electric utilities and their customers.

2139 (2) For the purposes of this section, "Florida renewable
2140 energy resources" shall mean renewable energy, as defined in s.
2141 377.803, that is produced in Florida.

2142 (3) As used in this section, the term:

2143 (a) "Renewable energy credit" or "REC" means a product that
2144 represents the unbundled, separable, and renewable attribute of
2145 renewable energy produced in Florida and is equivalent to 1
2146 megawatt-hour of electricity generated by a source of renewable

601-07390-08

20081544c3

2147 energy located in Florida.

2148 (b) "Provider" means a public utility as defined in s.
2149 366.02(1).

2150 (c) "Renewable energy" has the same meaning as provided in
2151 s. 366.91(2)(b).

2152 (d) "Renewable portfolio standard" or "RPS" means the
2153 minimum percentage of total annual retail electricity sales by a
2154 provider to consumers in Florida, which shall be supplied by
2155 renewable energy produced in Florida.

2156 (4)(a) The commission shall adopt rules for a renewable
2157 portfolio standard requiring each provider to supply renewable
2158 energy to its customers, whether directly, by procurement, or
2159 through renewable energy credits. In developing the RPS rule, the
2160 commission shall consult the Department of Environmental
2161 Protection and the Florida Energy and Climate Commission. The
2162 rule may not be implemented until ratified by the Legislature.
2163 The commission shall present a draft rule for legislative
2164 consideration by February 1, 2009.

2165 (b) In developing the rule, the commission shall evaluate
2166 the current and forecasted levelized cost in cents per kilowatt-
2167 hour through 2020 and current and forecasted installed capacity
2168 in kilowatts for each renewable energy generation method through
2169 2020.

2170 (c) The commission's rule shall include methods of managing
2171 the cost of compliance with the portfolio standard, whether
2172 through direct supply, through the procurement of renewable
2173 power, or through the purchase of renewable energy credits. The
2174 commission shall have rulemaking authority for providing annual
2175 cost recovery and incentive-based adjustments to authorized rates

601-07390-08

20081544c3

2176 of return on common equity to providers to incentivize renewable
2177 energy. Notwithstanding s. 366.91(3) and (4), upon the
2178 ratification of the rules developed pursuant to this subsection,
2179 the commission is authorized to approve projects and power sales
2180 agreements with renewable power producers, and the sale of
2181 renewable energy credits which are needed to comply with the RPS.
2182 In the event of any conflict, this section shall supersede s.
2183 366.91(3) and (4).

2184 (d) The commission's rule shall provide for appropriate
2185 compliance measures and the conditions under which compliance
2186 shall be excused due to a determination by the commission that
2187 the supply of renewable energy or renewable energy credits was
2188 not adequate to satisfy the demand for such energy, or that the
2189 cost of securing renewable energy or renewable energy credits was
2190 cost-prohibitive.

2191 (e) The commission's rule may provide added weight to
2192 energy provided by wind and solar photovoltaic over other forms
2193 of renewable energy, whether directly supplied, procured, or
2194 indirectly obtained through the purchase of renewable energy
2195 credits.

2196 (f) The commission's rule shall determine an appropriate
2197 period of time for which renewable energy credits may be used for
2198 purposes of compliance with the renewable portfolio standard.

2199 (g) The commission's rule shall:

2200 1. Determine an appropriate period of time for which
2201 renewable energy credits may be used for purposes of compliance
2202 with the renewable portfolio standard.

2203 2. Provide for the monitoring of compliance with and
2204 enforcement of the requirements of this section.

601-07390-08

20081544c3

2205 3. Ensure that energy credited toward compliance with the
2206 provisions of this section are not credited toward any other
2207 purpose.

2208 4. Develop procedures to track and account for renewable
2209 energy credits, including ownership of renewable energy credits
2210 that are derived from a customer-owned renewable energy facility
2211 as a result of any action by a customer of an electric power
2212 supplier that is independent of a program sponsored by the
2213 electric power supplier.

2214 (h) The commission's rule shall provide for the conditions
2215 and options for the repeal or alteration of the rule in the event
2216 that new provisions of federal law supplant or conflict with the
2217 rule.

2218 (i) Beginning on April 1 of the year following final
2219 adoption of the commission's RPS rule, each provider shall submit
2220 a report to the commission describing the steps that have been
2221 taken in the previous year and the steps that will be taken in
2222 the future to add renewable energy to the provider's energy
2223 supply portfolio. The report shall state whether the provider was
2224 in compliance with the RPS during the previous year and how it
2225 will comply with the RPS in the upcoming year.

2226 (5) In order to demonstrate the feasibility and viability
2227 of clean energy systems, the commission shall provide for full
2228 cost recovery under the environmental cost-recovery clause of all
2229 reasonable and prudent costs incurred by a provider for renewable
2230 energy projects that are zero greenhouse gas emitting at the
2231 point of generation, up to a total of 110 megawatts statewide,
2232 and for which the provider has secured necessary land, zoning
2233 permits, and transmission rights within the state. Such costs

601-07390-08

20081544c3

2234 shall be deemed reasonable and prudent for purposes of cost
2235 recovery so long as the provider has used reasonable and
2236 customary industry practices in the design, procurement, and
2237 construction of the project in a cost-effective manner
2238 appropriate to the location of the facility. The provider shall
2239 report to the commission as part of the cost-recovery proceedings
2240 the construction costs, in-service costs, operating and
2241 maintenance costs, hourly energy production of the renewable
2242 energy project, and any other information deemed relevant by the
2243 commission. Any provider constructing a clean energy facility
2244 pursuant to this section shall file for cost recovery no later
2245 than July 1, 2009.

2246 (6) Each municipal electric utility and rural electric
2247 cooperative shall develop standards for the promotion,
2248 encouragement, and expansion of the use of renewable energy
2249 resources and energy conservation and efficiency measures. On or
2250 before April 1, 2009, and annually thereafter, each municipal
2251 electric utility and electric cooperative shall submit to the
2252 commission a report that identifies such standards.

2253 (7) No provision in this section shall be construed to
2254 impede or impair terms and conditions in existing contracts.

2255 ~~(3) The commission may adopt appropriate goals for~~
2256 ~~increasing the use of existing, expanded, and new Florida~~
2257 ~~renewable energy resources. The commission may change the goals.~~
2258 ~~The commission may review and reestablish the goals at least once~~
2259 ~~every 5 years.~~

2260 ~~(8)(4)~~ (8) The commission may adopt rules to administer and
2261 implement the provisions of this section.

2262 Section 32. Section 366.93, Florida Statutes, is amended to

601-07390-08

20081544c3

2263 read:

2264 366.93 Cost recovery for the siting, design, licensing, and
2265 construction of nuclear and integrated gasification combined
2266 cycle power plants.--

2267 (1) As used in this section, the term:

2268 (a) "Cost" includes, but is not limited to, all capital
2269 investments, including rate of return, any applicable taxes, and
2270 all expenses, including operation and maintenance expenses,
2271 related to or resulting from the siting, licensing, design,
2272 construction, or operation of the nuclear power plant and any
2273 new, enlarged, or relocated electrical transmission lines or
2274 facilities of any size which are necessary to serve the nuclear
2275 or integrated gasification combined cycle power plant.

2276 (b) "Electric utility" or "utility" has the same meaning as
2277 that provided in s. 366.8255(1) (a).

2278 (c) "Integrated gasification combined cycle power plant" or
2279 "plant" is an electrical power plant as defined in s. 403.503(14)
2280 which s. 403.503(13) that uses synthesis gas produced by
2281 integrated gasification technology.

2282 (c)-(d) "Nuclear power plant" or "plant" means is an
2283 electrical power plant, as defined in s. 403.503(14), which s.
2284 403.503(13) that uses nuclear materials for fuel.

2285 (d)-(e) "Power plant" or "plant" means a nuclear power plant
2286 or an integrated gasification combined cycle power plant.

2287 (e)-(f) "Preconstruction" is that period of time after a
2288 site, including any related electrical transmission lines or
2289 facilities, has been selected through and including the date the
2290 utility completes site-clearing ~~site-clearing~~ work.

2291 Preconstruction costs shall be afforded deferred accounting

601-07390-08

20081544c3

2292 treatment and shall accrue a carrying charge equal to the
2293 utility's allowance for funds during construction (AFUDC) rate
2294 until recovered in rates.

2295 (2) Within 6 months after the enactment of this act, the
2296 commission shall establish, by rule, alternative cost recovery
2297 mechanisms for the recovery of costs incurred in the siting,
2298 design, licensing, and construction of a nuclear power plant,
2299 including new, expanded, or relocated electrical transmission
2300 lines and facilities that are necessary to serve the nuclear or
2301 integrated gasification combined cycle power plant. Such
2302 mechanisms shall be designed to promote utility investment in
2303 nuclear or integrated gasification combined cycle power plants
2304 and allow for the recovery in rates of all prudently incurred
2305 costs, and shall include, but need ~~are~~ not be limited to:

2306 (a) Recovery through the capacity cost recovery clause of
2307 any preconstruction costs.

2308 (b) Recovery through an incremental increase in the
2309 utility's capacity cost recovery clause rates of the carrying
2310 costs on the utility's projected construction cost balance
2311 associated with the nuclear or integrated gasification combined
2312 cycle power plant. To encourage investment and provide certainty,
2313 for nuclear or integrated gasification combined cycle power plant
2314 need petitions submitted on or before December 31, 2010,
2315 associated carrying costs shall be equal to the pretax AFUDC in
2316 effect upon this act becoming law. For nuclear or integrated
2317 gasification combined cycle power plants for which need petitions
2318 are submitted after December 31, 2010, the utility's existing
2319 pretax AFUDC rate is presumed to be appropriate unless determined
2320 otherwise by the commission in the determination of need for the

601-07390-08

20081544c3

2321 nuclear or integrated gasification combined cycle power plant.

2322 (3) After a petition for determination of need is granted,
2323 a utility may petition the commission for cost recovery as
2324 permitted by this section and commission rules.

2325 (4) When the nuclear or integrated gasification combined
2326 cycle power plant is placed in commercial service, the utility
2327 shall be allowed to increase its base rate charges by the
2328 projected annual revenue requirements of the nuclear or
2329 integrated gasification combined cycle power plant based on the
2330 jurisdictional annual revenue requirements of the plant for the
2331 first 12 months of operation. The rate of return on capital
2332 investments shall be calculated using the utility's rate of
2333 return last approved by the commission prior to the commercial
2334 inservice date of the nuclear or integrated gasification combined
2335 cycle power plant. If any existing generating plant is retired as
2336 a result of operation of the nuclear or integrated gasification
2337 combined cycle power plant, the commission shall allow for the
2338 recovery, through an increase in base rate charges, of the net
2339 book value of the retired plant over a period not to exceed 5
2340 years.

2341 (5) The utility shall report to the commission annually the
2342 budgeted and actual costs as compared to the estimated inservice
2343 cost of the nuclear or integrated gasification combined cycle
2344 power plant provided by the utility pursuant to s. 403.519(4),
2345 until the commercial operation of the nuclear or integrated
2346 gasification combined cycle power plant. The utility shall
2347 provide such information on an annual basis following the final
2348 order by the commission approving the determination of need for
2349 the nuclear or integrated gasification combined cycle power

601-07390-08

20081544c3

2350 | plant, with the understanding that some costs may be higher than
2351 | estimated and other costs may be lower.

2352 | (6) ~~If In the event~~ the utility elects not to complete or
2353 | is precluded from completing construction of the nuclear power
2354 | plant, including any new, expanded, or relocated electrical
2355 | transmission lines or facilities or integrated gasification
2356 | combined cycle power plant, the utility shall be allowed to
2357 | recover all prudent preconstruction and construction costs
2358 | incurred following the commission's issuance of a final order
2359 | granting a determination of need for the nuclear power plant and
2360 | electrical transmission lines and facilities or integrated
2361 | gasification combined cycle power plant. The utility shall
2362 | recover such costs through the capacity cost recovery clause over
2363 | a period equal to the period during which the costs were incurred
2364 | or 5 years, whichever is greater. The unrecovered balance during
2365 | the recovery period will accrue interest at the utility's
2366 | weighted average cost of capital as reported in the commission's
2367 | earnings surveillance reporting requirement for the prior year.

2368 | Section 33. Section 377.601, Florida Statutes, is amended
2369 | to read:

2370 | 377.601 Legislative intent.--

2371 | (1) The Legislature finds that this state's energy security
2372 | can be increased by lessening dependence on foreign oil, that the
2373 | impacts of global climate change can be reduced through the
2374 | reduction of greenhouse gas emissions, and that the
2375 | implementation of alternative energy technologies can be the
2376 | source of new jobs and employment opportunities for many
2377 | Floridians. The Legislature further finds that this state is
2378 | positioned at the front line against potential impacts of global

601-07390-08

20081544c3

2379 climate change. Human and economic costs of those impacts can be
2380 averted and, where necessary, adapted to by a concerted effort to
2381 make this state's communities more resilient and less vulnerable
2382 to these impacts. In focusing the government's policy and efforts
2383 to protect this state, its residents, and resources, the
2384 Legislature believes that a single government entity that has
2385 energy and climate change as its specific focus is both desirable
2386 and advantageous. ~~the ability to deal effectively with present~~
2387 ~~shortages of resources used in the production of energy is~~
2388 ~~aggravated and intensified because of inadequate or nonexistent~~
2389 ~~information and that intelligent response to these problems and~~
2390 ~~to the development of a state energy policy demands accurate and~~
2391 ~~relevant information concerning energy supply, distribution, and~~
2392 ~~use. The Legislature finds and declares that a procedure for the~~
2393 ~~collection and analysis of data on the energy flow in this state~~
2394 ~~is essential to the development and maintenance of an energy~~
2395 ~~profile defining the characteristics and magnitudes of present~~
2396 ~~and future energy demands and availability so that the state may~~
2397 ~~rationally deal with present energy problems and anticipate~~
2398 ~~future energy problems.~~

2399 ~~(2) The Legislature further recognizes that every state~~
2400 ~~official dealing with energy problems should have current and~~
2401 ~~reliable information on the types and quantity of energy~~
2402 ~~resources produced, imported, converted, distributed, exported,~~
2403 ~~stored, held in reserve, or consumed within the state.~~

2404 ~~(3) It is the intent of the Legislature in the passage of~~
2405 ~~this act to provide the necessary mechanisms for the effective~~
2406 ~~development of information necessary to rectify the present lack~~
2407 ~~of information which is seriously handicapping the state's~~

601-07390-08

20081544c3

2408 ~~ability to deal effectively with the energy problem. To this end,~~
2409 ~~the provisions of ss. 377.601-377.608 should be given the~~
2410 ~~broadest possible interpretation consistent with the stated~~
2411 ~~legislative desire to procure vital information.~~

2412 (2)~~(4)~~ It is the policy of the State of Florida to:

2413 (a) Recognize and address the potential impacts of global
2414 climate change wherever possible. ~~Develop and promote the~~
2415 ~~effective use of energy in the state and discourage all forms of~~
2416 ~~energy waste.~~

2417 (b) Play a leading role in developing and instituting
2418 energy management programs aimed at promoting energy
2419 conservation, energy security, and the reduction of greenhouse
2420 gas emissions.

2421 (c) Include energy considerations in all state, regional,
2422 and local planning.

2423 (d) Utilize and manage effectively energy resources used
2424 within state agencies.

2425 (e) Encourage local governments to include energy
2426 considerations in all planning and to support their work in
2427 promoting energy management programs.

2428 (f) Include the full participation of citizens in the
2429 development and implementation of energy programs.

2430 (g) Consider in its decisions the energy needs of each
2431 economic sector, including residential, industrial, commercial,
2432 agricultural, and governmental uses, and to reduce those needs
2433 whenever possible.

2434 (h) Promote energy education and the public dissemination
2435 of information on energy and its environmental, economic, and
2436 social impact.

601-07390-08

20081544c3

2437 (i) Encourage the research, development, demonstration, and
2438 application of alternative energy resources, particularly
2439 renewable energy resources.

2440 (j) Consider, in its decisionmaking, the social, economic,
2441 security, and environmental impacts of energy-related activities,
2442 including the whole life-cycle impacts of any potential energy
2443 use choices, so that detrimental effects of these activities are
2444 understood and minimized.

2445 (k) Develop and maintain energy emergency preparedness
2446 plans to minimize the effects of an energy shortage within
2447 Florida.

2448 Section 34. Section 377.6015, Florida Statutes, is created
2449 to read:

2450 377.6015 Florida Energy and Climate Commission.--

2451 (1) The Florida Energy and Climate Commission is created
2452 and shall be located within the Executive Office of the Governor.
2453 The commission shall be comprised of seven members, and shall be
2454 appointed by the Governor pursuant to paragraphs (a) and (b).

2455 (a) The Governor shall select from three persons nominated
2456 by the Florida Public Service Commission Nominating Council,
2457 created in s. 350.031, for each seat on the commission; however,
2458 in order to expedite the seating of the commission upon
2459 implementation of this act, the Governor shall select seven
2460 persons, including the chair, from a list of 21 persons provided
2461 by the council.

2462 1. The council shall submit the recommendations to the
2463 Governor by September 1 of those years in which the terms are to
2464 begin the following October, or within 60 days after a vacancy
2465 occurs for any reason other than the expiration of the term.

601-07390-08

20081544c3

2466 2. The Governor shall fill a vacancy occurring on the
2467 commission by appointment of one of the applicants nominated by
2468 the council only after a background investigation of such
2469 applicant has been conducted by the Department of Law
2470 Enforcement.

2471 3. Members shall be appointed to 3-year terms; however, in
2472 order to establish staggered terms, for the initial appointments,
2473 the Governor shall appoint four members to 3-year terms, two
2474 members to 2-year terms, and one member to a 1-year term.

2475 4. The Governor shall select the chair of the commission
2476 from among the members appointed.

2477 5. Vacancies on the commission shall be filled for the
2478 unexpired portion of the time in the same manner as original
2479 appointments to the commission.

2480 6. If the Governor has not made an appointment within 30
2481 consecutive calendar days after the receipt of the
2482 recommendation, the council shall initiate, in accordance with
2483 this section, the nominating process within 30 days.

2484 7. Each appointment to the commission shall be subject to
2485 confirmation by the Senate during the next regular session after
2486 the vacancy occurs. If the Senate refuses to confirm or fails to
2487 consider the Governor's appointment, the council shall initiate,
2488 in accordance with this section, the nominating process within 30
2489 days.

2490 8. When the Governor makes an appointment and that
2491 appointment has not been confirmed by the Senate before the
2492 appointing Governor's term ends, a successor Governor may, within
2493 30 days after taking office, recall the appointment and, prior to
2494 the first day of the next regular session, make a replacement

601-07390-08

20081544c3

2495 appointment from the list provided to the previous Governor by
2496 the council. Such an appointment is subject to confirmation by
2497 the Senate at the next regular session following the creation of
2498 the vacancy to which the appointments are being made. If the
2499 replacement appointment is not timely made, or if the appointment
2500 is not confirmed by the Senate for any reason, the council, by
2501 majority vote, shall appoint, within 30 days after the
2502 Legislature adjourns sine die, one person from the applicants
2503 previously nominated to the Governor to fill the vacancy, and
2504 this appointee is subject to confirmation by the Senate during
2505 the next regular session following the appointment.

2506 (b) Members must meet the following qualifications and
2507 restrictions:

2508 1. A member must be an expert in one or more of the
2509 following fields: energy, natural resource conservation,
2510 economics, engineering, finance, law, transportation and land
2511 use, consumer protection, state energy policy, or another field
2512 substantially related to the duties and functions of the
2513 commission. The commission shall fairly represent the fields
2514 specified in this subparagraph.

2515 2. Each member shall, at the time of appointment and at
2516 each commission meeting during his or her term of office,
2517 disclose:

2518 a. Whether he or she has any financial interest, other than
2519 ownership of shares in a mutual fund, in any business entity
2520 that, directly or indirectly, owns or controls, or is an
2521 affiliate or subsidiary of, any business entity that may be
2522 affected by the policy recommendations developed by the
2523 commission.

601-07390-08

20081544c3

2524 b. Whether he or she is employed by or is engaged in any
2525 business activity with any business entity that, directly or
2526 indirectly, owns or controls, or is an affiliate or subsidiary
2527 of, any business entity that may be affected by the policy
2528 recommendations developed by the commission.

2529 (c) The chair may designate ex officio, nonvoting members
2530 to provide information and advice to the commission. The
2531 following shall serve as ex officio, nonvoting members and may
2532 provide information and advice at the request of the chair:

2533 1. The chair of the Florida Public Service Commission, or
2534 designee;

2535 2. The Public Counsel, or designee;

2536 3. A representative of the Department of Agriculture and
2537 Consumer Services;

2538 4. A representative of the Department of Community Affairs;

2539 5. A representative of Department of Environmental
2540 Protection;

2541 6. A representative of Department of Transportation;

2542 7. A representative of the Department of Financial
2543 Services; and

2544 8. The presidents or their designee, of the University of
2545 Florida, Florida State University, the University of South
2546 Florida, the University of Central Florida, and Florida Atlantic
2547 University.

2548 (2) Members shall serve without compensation, but are
2549 entitled to reimbursement for per diem and travel expenses as
2550 provided in s. 112.061.

2551 (3) Meetings of the commission may be held in various
2552 locations around the state and at the call of the chair; however,

601-07390-08

20081544c3

2553 the commission must meet at least six times each year.

2554 (4) (a) The commission may employ staff and counsel as
2555 needed in the performance of its duties. The commission may
2556 prosecute and defend legal actions in its own name.

2557 (b) The commission may form advisory groups consisting of
2558 members of the public to provide information on specific issues.

2559 (5) The commission shall:

2560 (a) Administer the Florida Renewable Energy and Biofuels
2561 Grant Programs authorized under ss. 377.804 and 570.957 to ensure
2562 a robust grant portfolio;

2563 (b) Develop policy recommendations for requiring grantees
2564 to provide royalty-sharing or licensing agreements with state
2565 government for commercialized products developed under a state
2566 grant;

2567 (c) Administer the information gathering and reporting
2568 functions pursuant to ss. 377.601-377.608;

2569 (d) Administer the petroleum planning and emergency
2570 contingency planning pursuant to ss. 377.703-377.704;

2571 (e) Represent Florida in the Southern States Energy Compact
2572 pursuant to ss. 377.71-377.712;

2573 (f) Complete the annual assessment of the efficacy of
2574 Florida's Energy and Climate Change Action Plan, upon completion
2575 by the Governor's Action Team, pursuant to the Governor's
2576 Executive Order 2007-128, and provide specific recommendations to
2577 the Governor and the Legislature each year to improve results.

2578 (g) Administer the provisions of the Florida Renewable
2579 Energy Technologies and Energy Efficiency Act as provided in ss.
2580 377.801-377.808.

2581 (h) Advocate for energy and climate change issues and

601-07390-08

20081544c3

2582 provide educational outreach and technical assistance in
2583 cooperation with Florida's academic institutions.

2584 (i) Oversee the Florida Energy Systems Consortium created
2585 in s. 1004.648.

2586 (j) Adopt rules pursuant to chapter 120 in order to
2587 implement all powers and duties described in this chapter.

2588 Section 35. Subsection (2) of section 377.602, Florida
2589 Statutes, is amended to read:

2590 377.602 Definitions.--As used in ss. 377.601-377.608:

2591 (2) "Commission" means the Florida Energy and Climate
2592 Commission ~~"Department" means the Department of Environmental~~
2593 ~~Protection.~~

2594 Section 36. Section 377.603, Florida Statutes, is amended
2595 to read:

2596 377.603 Energy data collection; powers and duties of the
2597 Florida Energy and Climate Commission ~~Department of Environmental~~
2598 ~~Protection.--~~

2599 (1) The commission may ~~department shall~~ collect data on the
2600 extraction, production, importation, exportation, refinement,
2601 transportation, transmission, conversion, storage, sale, or
2602 reserves of energy resources in this state in an efficient and
2603 expeditious manner.

2604 (2) The commission may ~~department shall~~ prepare periodic
2605 reports of energy data it collects.

2606 ~~(3) The department shall prescribe and furnish forms for~~
2607 ~~the collection of information as required by ss. 377.601-377.608~~
2608 ~~and shall consult with other state entities to assure that such~~
2609 ~~data collected will meet their data requirements.~~

2610 (3)(4) The commission ~~department~~ may adopt and promulgate

601-07390-08

20081544c3

2611 such rules and regulations as are necessary to carry out the
2612 provisions of ss. 377.601-377.608. Such rules shall be pursuant
2613 to chapter 120.

2614 (4)~~(5)~~ The commission ~~department~~ shall maintain internal
2615 validation procedures to assure the accuracy of information
2616 received.

2617 Section 37. Section 377.604, Florida Statutes, is amended
2618 to read:

2619 377.604 Required reports.--Every person who produces,
2620 imports, exports, refines, transports, transmits, converts,
2621 stores, sells, or holds known reserves of any form of energy
2622 resources used as fuel shall report to the commission, at the
2623 request of the commission, ~~department at a frequency set~~, and in
2624 a manner prescribed, by the commission ~~department~~, and on forms
2625 provided by the commission ~~department~~ and ~~prepared with the~~
2626 ~~advice of representatives of the energy industry~~. Such forms
2627 shall be designed in such a manner as to indicate:

2628 (1) The identity of the person or persons making the
2629 report.

2630 (2) The quantity of energy resources extracted, produced,
2631 imported, exported, refined, transported, transmitted, converted,
2632 stored, or sold except at retail.

2633 (3) The quantity of energy resources known to be held in
2634 reserve in the state.

2635 (4) The identity of each refinery from which petroleum
2636 products have normally been obtained and the type and quantity of
2637 products secured from that refinery for sale or resale in this
2638 state.

2639 (5) Any other information which the commission ~~department~~

601-07390-08

20081544c3

2640 | deems proper pursuant to the intent of ss. 377.601-377.608.

2641 | Section 38. Section 377.605, Florida Statutes, is amended
2642 | to read:

2643 | 377.605 Use of existing information.--The commission may
2644 | use ~~department shall utilize~~ to the fullest extent possible any
2645 | existing energy information already prepared for state or federal
2646 | agencies. Every state, county, and municipal agency shall
2647 | cooperate with the commission, ~~department~~ and shall submit any
2648 | information on energy to the commission ~~department~~ upon request.

2649 | Section 39. Section 377.606, Florida Statutes, is amended
2650 | to read:

2651 | 377.606 Records of the commission ~~department~~; limits of
2652 | confidentiality.--The information or records of individual
2653 | persons, as defined herein, obtained by the commission ~~department~~
2654 | as a result of a report, investigation, or verification required
2655 | by the commission ~~department~~, shall be open to the public, except
2656 | such information the disclosure of which would be likely to cause
2657 | substantial harm to the competitive position of the person
2658 | providing such information and which is requested to be held
2659 | confidential by the person providing such information. Such
2660 | proprietary information is confidential and exempt from the
2661 | provisions of s. 119.07(1). Information reported by entities
2662 | other than the commission ~~department~~ in documents or reports open
2663 | to public inspection shall under no circumstances be classified
2664 | as confidential by the commission ~~department~~. Divulgence of
2665 | proprietary information as is requested to be held confidential,
2666 | except upon order of a court of competent jurisdiction or except
2667 | to an officer of the state entitled to receive the same in his or
2668 | her official capacity, shall be a misdemeanor of the second

601-07390-08

20081544c3

2669 degree, punishable as provided in ss. 775.082 and 775.083.
2670 Nothing herein shall be construed to prohibit the publication or
2671 divulgence by other means of data so classified as to prevent
2672 identification of particular accounts or reports made to the
2673 department in compliance with s. 377.603 or to prohibit the
2674 disclosure of such information to properly qualified legislative
2675 committees. The commission ~~department~~ shall establish a system
2676 that ~~which~~ permits reasonable access to information developed.

2677 Section 40. Section 377.703, Florida Statutes, is amended
2678 to read:

2679 377.703 Additional functions of the Florida Energy and
2680 Climate Commission ~~Department of Environmental Protection~~; energy
2681 emergency contingency plan; federal and state conservation
2682 programs.--

2683 (1) LEGISLATIVE INTENT.--Recognizing that energy supply and
2684 demand questions have become a major area of concern to the state
2685 which must be dealt with by effective and well-coordinated state
2686 action, it is the intent of the Legislature to promote the
2687 efficient, effective, and economical management of energy
2688 problems, centralize energy coordination responsibilities,
2689 pinpoint responsibility for conducting energy programs, and
2690 ensure the accountability of state agencies for the
2691 implementation of s. 377.601 ~~s. 377.601(4)~~, the state energy
2692 policy. It is the specific intent of the Legislature that nothing
2693 in this act shall in any way change the powers, duties, and
2694 responsibilities assigned by the Florida Electrical Power Plant
2695 Siting Act, part II of chapter 403, or the powers, duties, and
2696 responsibilities of the Florida Public Service Commission.

2697 (2) DEFINITIONS.--

601-07390-08

20081544c3

2698 (a) "Coordinate," "coordination," or "coordinating" means
2699 the examination and evaluation of state plans and programs and
2700 the providing of recommendations to the Cabinet, Legislature, and
2701 appropriate state agency on any measures deemed necessary to
2702 ensure that such plans and programs are consistent with state
2703 energy policy.

2704 (b) "Energy conservation" means increased efficiency in the
2705 utilization of energy.

2706 (c) "Energy emergency" means an actual or impending
2707 shortage or curtailment of usable, necessary energy resources,
2708 such that the maintenance of necessary services, the protection
2709 of public health, safety, and welfare, or the maintenance of
2710 basic sound economy is imperiled in any geographical section of
2711 the state or throughout the entire state.

2712 (d) "Energy source" means electricity, fossil fuels, solar
2713 power, wind power, hydroelectric power, nuclear power, or any
2714 other resource which has the capacity to do work.

2715 (e) "Facilities" means any building or structure not
2716 otherwise exempted by the provisions of this act.

2717 (f) "Fuel" means petroleum, crude oil, petroleum product,
2718 coal, natural gas, or any other substance used primarily for its
2719 energy content.

2720 (g) "Local government" means any county, municipality,
2721 regional planning agency, or other special district or local
2722 governmental entity the policies or programs of which may affect
2723 the supply or demand, or both, for energy in the state.

2724 (h) "Promotion" or "promote" means to encourage, aid,
2725 assist, provide technical and financial assistance, or otherwise
2726 seek to plan, develop, and expand.

601-07390-08

20081544c3

2727 (i) "Regional planning agency" means those agencies
2728 designated as regional planning agencies by the Department of
2729 Community Affairs.

2730 (j) "Renewable energy resource" means any method, process,
2731 or substance the use of which does not diminish its availability
2732 or abundance, including, but not limited to, biomass conversion,
2733 geothermal energy, solar energy, wind energy, wood fuels derived
2734 from waste, ocean thermal gradient power, hydroelectric power,
2735 and fuels derived from agricultural products.

2736 (3) FLORIDA ENERGY AND CLIMATE COMMISSION ~~DEPARTMENT OF~~
2737 ~~ENVIRONMENTAL PROTECTION~~; DUTIES.--The commission ~~Department of~~
2738 ~~Environmental Protection~~ shall, ~~in addition to assuming the~~
2739 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
2740 perform the following functions consistent with the development
2741 of a state energy policy:

2742 (a) The commission ~~department~~ shall assume the
2743 responsibility for development of an energy emergency contingency
2744 plan to respond to serious shortages of primary and secondary
2745 energy sources. Upon a finding by the Governor, implementation of
2746 any emergency program shall be upon order of the Governor that a
2747 particular kind or type of fuel is, or that the occurrence of an
2748 event that ~~which~~ is reasonably expected within 30 days will make
2749 the fuel, in short supply. The commission ~~department~~ shall then
2750 respond by instituting the appropriate measures of the
2751 contingency plan to meet the given emergency or energy shortage.
2752 The Governor may utilize the provisions of s. 252.36(5) to carry
2753 out any emergency actions required by a serious shortage of
2754 energy sources.

2755 (b) The commission ~~department~~ shall constitute the

601-07390-08

20081544c3

2756 | responsible state agency for performing or coordinating the
2757 | functions of any federal energy programs delegated to the state,
2758 | including energy supply, demand, conservation, or allocation.

2759 | (c) The commission ~~department~~ shall analyze present and
2760 | proposed federal energy programs and make recommendations
2761 | regarding those programs to the Governor.

2762 | (d) The commission ~~department~~ shall coordinate efforts to
2763 | seek federal support or other support for state energy
2764 | activities, including energy conservation, research, or
2765 | development, and shall be the state agency responsible for the
2766 | coordination of multiagency energy conservation programs and
2767 | plans.

2768 | (e) The commission ~~department~~ shall analyze energy data
2769 | collected and prepare long-range forecasts of energy supply and
2770 | demand in coordination with the Florida Public Service
2771 | Commission, which shall have responsibility for electricity and
2772 | natural gas forecasts. To this end, the forecasts shall contain:

2773 | 1. An analysis of the relationship of state economic growth
2774 | and development to energy supply and demand, including the
2775 | constraints to economic growth resulting from energy supply
2776 | constraints.

2777 | 2. Plans for the development of renewable energy resources
2778 | and reduction in dependence on depletable energy resources,
2779 | particularly oil and natural gas, and an analysis of the extent
2780 | to which renewable energy sources are being utilized in the
2781 | state.

2782 | 3. Consideration of alternative scenarios of statewide
2783 | energy supply and demand for 5, 10, and 20 years, to identify
2784 | strategies for long-range action, including identification of

601-07390-08

20081544c3

2785 potential social, economic, and environmental effects.

2786 4. An assessment of the state's energy resources, including
2787 examination of the availability of commercially developable and
2788 imported fuels, and an analysis of anticipated effects on the
2789 state's environment and social services resulting from energy
2790 resource development activities or from energy supply
2791 constraints, or both.

2792 (f) The commission ~~department~~ shall make a report, as
2793 requested by the Governor or the Legislature, reflecting its
2794 activities and making recommendations of policies for improvement
2795 of the state's response to energy supply and demand and its
2796 effect on the health, safety, and welfare of the people of
2797 Florida. The report shall include a report from the Florida
2798 Public Service Commission on electricity and natural gas and
2799 information on energy conservation programs conducted and under
2800 way in the past year and shall include recommendations for energy
2801 conservation programs for the state, including, but not limited
2802 to, the following factors:

2803 1. Formulation of specific recommendations for improvement
2804 in the efficiency of energy utilization in governmental,
2805 residential, commercial, industrial, and transportation sectors.

2806 2. Collection and dissemination of information relating to
2807 energy conservation.

2808 3. Development and conduct of educational and training
2809 programs relating to energy conservation.

2810 4. An analysis of the ways in which state agencies are
2811 seeking to implement s. 377.601 ~~s. 377.601(4)~~, the state energy
2812 policy, and recommendations for better fulfilling this policy.

2813 (g) The commission ~~department~~ has authority to adopt rules

601-07390-08

20081544c3

2814 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
2815 of this act.

2816 (h) The commission shall promote the development and use of
2817 renewable energy resources, in conformance with the provisions of
2818 chapter 187 and s. 377.601, by:

2819 1. Establishing goals and strategies for increasing the use
2820 of solar energy in this state.

2821 2. Aiding and promoting the commercialization of solar
2822 energy technology, in cooperation with the Florida Solar Energy
2823 Center, Enterprise Florida, Inc., and any other federal, state,
2824 or local governmental agency which may seek to promote research,
2825 development, and demonstration of solar energy equipment and
2826 technology.

2827 3. Identifying barriers to greater use of solar energy
2828 systems in this state, and developing specific recommendations
2829 for overcoming identified barriers, with findings and
2830 recommendations to be submitted annually in the report to the
2831 Legislature required under paragraph (f).

2832 4. In cooperation with the Department of Environmental
2833 Protection, the Department of Transportation, the Department of
2834 Community Affairs, Enterprise Florida, Inc., the Florida Solar
2835 Energy Center, and the Florida Solar Energy Industries
2836 Association, investigating opportunities, pursuant to the
2837 National Energy Policy Act of 1992, ~~and~~ the Housing and Community
2838 Development Act of 1992, and any subsequent federal legislation,
2839 for solar electric vehicles and other solar energy manufacturing,
2840 distribution, installation, and financing efforts that ~~which~~ will
2841 enhance this state's position as the leader in solar energy
2842 research, development, and use.

601-07390-08

20081544c3

2843 5. Undertaking other initiatives to advance the development
2844 and use of renewable energy resources in this state.

2845
2846 In the exercise of its responsibilities under this paragraph, the
2847 commission ~~department~~ shall seek the assistance of the solar
2848 energy industry in this state and other interested parties and is
2849 authorized to enter into contracts, retain professional
2850 consulting services, and expend funds appropriated by the
2851 Legislature for such purposes.

2852 (i) The commission ~~department~~ shall promote energy
2853 conservation in all energy use sectors throughout the state and
2854 shall constitute the state agency primarily responsible for this
2855 function. To this end, the commission ~~department~~ shall coordinate
2856 the energy conservation programs of all state agencies and review
2857 and comment on the energy conservation programs of all state
2858 agencies.

2859 (j) The commission ~~department~~ shall serve as the state
2860 clearinghouse for indexing and gathering all information related
2861 to energy programs in state universities, in private
2862 universities, in federal, state, and local government agencies,
2863 and in private industry and shall prepare and distribute such
2864 information in any manner necessary to inform and advise the
2865 citizens of the state of such programs and activities. This shall
2866 include developing and maintaining a current index and profile of
2867 all research activities, which shall be identified by energy area
2868 and may include a summary of the project, the amount and sources
2869 of funding, anticipated completion dates, or, in case of
2870 completed research, conclusions, recommendations, and
2871 applicability to state government and private sector functions.

601-07390-08

20081544c3

2872 The commission ~~department~~ shall coordinate, promote, and respond
2873 to efforts by all sectors of the economy to seek financial
2874 support for energy activities. The commission ~~department~~ shall
2875 provide information to consumers regarding the anticipated
2876 energy-use and energy-saving characteristics of products and
2877 services in coordination with any federal, state, or local
2878 governmental agencies as may provide such information to
2879 consumers.

2880 (k) The commission ~~department~~ shall coordinate energy-
2881 related programs of state government, including, but not limited
2882 to, the programs provided in this section. To this end, the
2883 commission ~~department~~ shall:

2884 1. Provide assistance to other state agencies, counties,
2885 municipalities, and regional planning agencies to further and
2886 promote their energy planning activities.

2887 2. Require, in cooperation with the Department of
2888 Management Services, all state agencies to operate state-owned
2889 and state-leased buildings in accordance with energy conservation
2890 standards as adopted by the Department of Management Services.
2891 Every 3 months, the Department of Management Services shall
2892 furnish the commission ~~department~~ data on agencies' energy
2893 consumption in a format prescribed by the commission ~~mutually~~
2894 ~~agreed upon by the two departments.~~

2895 3. Promote the development and use of renewable energy
2896 resources, energy efficiency technologies, and conservation
2897 measures.

2898 4. Promote the recovery of energy from wastes, including,
2899 but not limited to, the use of waste heat, the use of
2900 agricultural products as a source of energy, and recycling of

601-07390-08

20081544c3

2901 manufactured products. Such promotion shall be conducted in
2902 conjunction with, and after consultation with, the Department of
2903 Environmental Protection, the Florida Public Service Commission
2904 where electrical generation or natural gas is involved, and any
2905 other relevant federal, state, or local governmental agency
2906 having responsibility for resource recovery programs.

2907 (1) The commission ~~department~~ shall develop, coordinate,
2908 and promote a comprehensive research plan for state programs.
2909 Such plan shall be consistent with state energy policy and shall
2910 be updated on a biennial basis.

2911 (m) In recognition of the devastation to the economy of
2912 this state and the dangers to the health and welfare of residents
2913 of this state caused by severe hurricanes ~~Hurricane Andrew~~, and
2914 the potential for such impacts caused by other natural disasters,
2915 the commission ~~department~~ shall include in its energy emergency
2916 contingency plan and provide to the Florida Building Commission
2917 ~~Department of Community Affairs~~ for inclusion in the Florida
2918 Energy Efficiency Code for Building Construction ~~state model~~
2919 ~~energy efficiency building code~~ specific provisions to facilitate
2920 the use of cost-effective solar energy technologies as emergency
2921 remedial and preventive measures for providing electric power,
2922 street lighting, and water heating service in the event of
2923 electric power outages.

2924 (4) COASTAL ENERGY IMPACT PROGRAM.--The commission
2925 ~~department~~ shall be responsible for the administration of the
2926 Coastal Energy Impact Program provided for and described in Pub.
2927 L. No. 94-370, 16 U.S.C. s. 1456a.

2928 Section 41. Section 377.803, Florida Statutes, is amended
2929 to read:

601-07390-08

20081544c3

2930 377.803 Definitions.--As used in ss. 377.801-377.808 ~~ss.~~
2931 ~~377.801-377.806~~, the term:

2932 (1) "Act" means the Florida Renewable Energy Technologies
2933 and Energy Efficiency Act.

2934 ~~(2) "Approved metering equipment" means a device capable of~~
2935 ~~measuring the energy output of a solar thermal system that has~~
2936 ~~been approved by the commission.~~

2937 ~~(2)(3)~~ (2) "Commission" means the Florida Energy and Climate
2938 Commission ~~Florida Public Service Commission.~~

2939 ~~(4) "Department" means the Department of Environmental~~
2940 ~~Protection.~~

2941 ~~(3)(5)~~ (3) "Person" means an individual, partnership, joint
2942 venture, private or public corporation, association, firm, public
2943 service company, or any other public or private entity.

2944 ~~(4)(6)~~ (4) "Renewable energy" means electrical, mechanical, or
2945 thermal energy produced from a method that uses one or more of
2946 the following fuels or energy sources: hydrogen, biomass as
2947 defined in s. 366.91, solar energy, geothermal energy, wind
2948 energy, ocean energy, waste heat, or hydroelectric power.

2949 ~~(5)(7)~~ (5) "Renewable energy technology" means any technology
2950 that generates or utilizes a renewable energy resource.

2951 ~~(6)(8)~~ (6) "Solar energy system" means equipment that provides
2952 for the collection and use of incident solar energy for water
2953 heating, space heating or cooling, or other applications that
2954 would normally require a conventional source of energy such as
2955 petroleum products, natural gas, or electricity that performs
2956 primarily with solar energy. In other systems in which solar
2957 energy is used in a supplemental way, only those components that
2958 collect and transfer solar energy shall be included in this

601-07390-08

20081544c3

2959 definition.

2960 ~~(7)-(9)~~ "Solar photovoltaic system" means a device that
2961 converts incident sunlight into electrical current.

2962 ~~(8)-(10)~~ "Solar thermal system" means a device that traps
2963 heat from incident sunlight in order to heat water.

2964 Section 42. Section 377.804, Florida Statutes, is amended
2965 to read:

2966 377.804 Renewable Energy and Energy-Efficient Technologies
2967 Grants Program.--

2968 (1) The Renewable Energy and Energy-Efficient Technologies
2969 Grants Program is established within the commission ~~department~~ to
2970 provide renewable energy matching grants for demonstration,
2971 commercialization, research, and development projects relating to
2972 renewable energy technologies and innovative technologies that
2973 significantly increase energy efficiency for vehicles and
2974 commercial buildings.

2975 (2) Matching grants for renewable energy technology
2976 demonstration, commercialization, research, and development
2977 projects may be made to any of the following:

2978 (a) Municipalities and county governments.

2979 (b) Established for-profit companies licensed to do
2980 business in the state.

2981 (c) Universities and colleges in the state.

2982 (d) Utilities located and operating within the state.

2983 (e) Not-for-profit organizations.

2984 (f) Other qualified persons, as determined by the
2985 commission ~~department~~.

2986 (3) The commission ~~department~~ may adopt rules pursuant to
2987 ss. 120.536(1) and 120.54 to provide for application

601-07390-08

20081544c3

2988 requirements, provide for ranking of applications, ~~and~~ administer
2989 the awarding of grants under this program, and develop policy
2990 requiring grantees to provide royalty-sharing or licensing
2991 agreements with the state for commercialized products developed
2992 under a state grant. All grants may be reviewed by a peer-review
2993 process of experts. Up to 5 percent of the amount of all grants
2994 may be used to pay review expenses, if necessary.

2995 (4) Factors the commission ~~department~~ shall consider in
2996 awarding grants include, but are not limited to:

2997 (a) The availability of matching funds or other in-kind
2998 contributions applied to the total project from an applicant. The
2999 commission ~~department~~ shall give greater preference to projects
3000 that provide such matching funds or other in-kind contributions.

3001 (b) The degree to which the project stimulates in-state
3002 capital investment and economic development in metropolitan and
3003 rural areas, including the creation of jobs and the future
3004 development of a commercial market for renewable energy
3005 technologies.

3006 (c) The extent to which the proposed project has been
3007 demonstrated to be technically feasible based on pilot project
3008 demonstrations, laboratory testing, scientific modeling, or
3009 engineering or chemical theory that supports the proposal.

3010 (d) The degree to which the project incorporates an
3011 innovative new technology or an innovative application of an
3012 existing technology.

3013 (e) The degree to which a project generates thermal,
3014 mechanical, or electrical energy by means of a renewable energy
3015 resource that has substantial long-term production potential.

3016 (f) The degree to which a project demonstrates efficient

601-07390-08

20081544c3

3017 use of energy and material resources.

3018 (g) The degree to which the project fosters overall
3019 understanding and appreciation of renewable energy technologies.

3020 (h) The ability to administer a complete project.

3021 (i) Project duration and timeline for expenditures.

3022 (j) The geographic area in which the project is to be
3023 conducted in relation to other projects.

3024 (k) The degree of public visibility and interaction.

3025 (5) The commission ~~department~~ shall solicit the expertise
3026 of other state agencies in evaluating project proposals. State
3027 agencies shall cooperate with the commission ~~Department of~~
3028 ~~Environmental Protection~~ and provide such assistance as
3029 requested.

3030 (6) Each application must be accompanied by an affidavit
3031 from the applicant attesting to the veracity of the statements
3032 contained in the application.

3033 Section 43. Subsection (6) of section 377.804, Florida
3034 Statutes, as revived by section 52 of chapter 2007-73, Laws of
3035 Florida, is repealed.

3036 Section 44. Section 377.806, Florida Statutes, is amended
3037 to read:

3038 377.806 Solar Energy System Incentives Program.--

3039 (1) PURPOSE.--The Solar Energy System Incentives Program is
3040 established within the commission ~~department~~ to provide financial
3041 incentives for the purchase and installation of solar energy
3042 systems. Any resident of the state who purchases and installs a
3043 new solar energy system of 2 kilowatts or larger for a solar
3044 photovoltaic system, a solar energy system that provides at least
3045 50 percent of a building's hot water consumption for a solar

601-07390-08

20081544c3

3046 thermal system, or a solar thermal pool heater, from July 1,
3047 2006, through June 30, 2010, is eligible for a rebate on a
3048 portion of the purchase price of that solar energy system.

3049 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

3050 (a) Eligibility requirements.--A solar photovoltaic system
3051 qualifies for a rebate if:

3052 1. The system is installed by a state-licensed master
3053 electrician, electrical contractor, or solar contractor.

3054 2. The system complies with state interconnection standards
3055 as provided by the commission.

3056 3. The system complies with all applicable building codes
3057 as defined by the Florida Building Code ~~local jurisdictional~~
3058 ~~authority~~.

3059 (b) Rebate amounts.--The rebate amount shall be set at \$4
3060 per watt based on the total wattage rating of the system. The
3061 maximum allowable rebate per solar photovoltaic system
3062 installation shall be as follows:

3063 1. Twenty thousand dollars for a residence.

3064 2. One hundred thousand dollars for a place of business, a
3065 publicly owned or operated facility, or a facility owned or
3066 operated by a private, not-for-profit organization, including
3067 condominiums or apartment buildings.

3068 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

3069 (a) Eligibility requirements.--A solar thermal system
3070 qualifies for a rebate if:

3071 1. The system is installed by a state-licensed solar, ~~or~~
3072 plumbing, or roofing contractor installing standing seam hybrid
3073 thermal roofs.

3074 2. The system complies with all applicable building codes

601-07390-08

20081544c3

3075 as defined by the Florida Building Code ~~local jurisdictional~~
3076 ~~authority~~.

3077 (b) Rebate amounts.--Authorized rebates for installation of
3078 solar thermal systems shall be as follows:

3079 1. Five hundred dollars for a residence.

3080 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
3081 for a place of business, a publicly owned or operated facility,
3082 or a facility owned or operated by a private, not-for-profit
3083 organization, including condominiums or apartment buildings. ~~Btu~~
3084 ~~must be verified by approved metering equipment.~~

3085 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

3086 (a) Eligibility requirements.--A solar thermal pool heater
3087 qualifies for a rebate if the system is installed by a state-
3088 licensed solar or plumbing contractor and the system complies
3089 with all applicable building codes as defined by the Florida
3090 Building Code ~~local jurisdictional authority~~.

3091 (b) Rebate amount.--Authorized rebates for installation of
3092 solar thermal pool heaters shall be \$100 per installation.

3093 (5) APPLICATION.--Application for a rebate must be made
3094 within 120 ~~90~~ days after the purchase of the solar energy
3095 equipment.

3096 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
3097 determine and publish on a regular basis the amount of rebate
3098 funds remaining in each fiscal year. The total dollar amount of
3099 all rebates issued ~~by the department~~ is subject to the total
3100 amount of appropriations in any fiscal year for this program. If
3101 funds are insufficient during the current fiscal year, any
3102 requests for rebates received during that fiscal year may be
3103 processed during the following fiscal year. Requests for rebates

601-07390-08

20081544c3

3104 received in a fiscal year that are processed during the following
3105 fiscal year shall be given priority over requests for rebates
3106 received during the following fiscal year.

3107 (7) RULES.--The commission ~~department~~ shall adopt rules
3108 pursuant to ss. 120.536(1) and 120.54 to develop rebate
3109 applications and administer the issuance of rebates.

3110 Section 45. Section 377.808, Florida Statutes, is created
3111 to read:

3112 377.808 Florida Green Government Grants Act.--

3113 (1) This section may be cited as the "Florida Green
3114 Government Grants Act."

3115 (2) The Florida Energy and Climate Commission within the
3116 Executive Office of the Governor shall use funds specifically
3117 appropriated to award grants under this section to assist local
3118 governments, including municipalities, counties, and school
3119 districts, in the development of programs that achieve green
3120 standards. Those standards shall be determined by the commission
3121 and must provide for cost-efficient solutions, reducing
3122 greenhouse gas emissions, improving quality of life, and
3123 strengthening this state's economy.

3124 (3) (a) The commission shall adopt rules pursuant to chapter
3125 120 to administer the grants provided for in this section. In
3126 accordance with the rules adopted by the commission under this
3127 section, the commission may provide grants from funds
3128 specifically appropriated for this purpose to local governments
3129 for the costs of achieving green standards, including necessary
3130 administrative expenses.

3131 (b) The rules of the commission must:

3132 1. Designate one or more suitable green government

601-07390-08

20081544c3

3133 standards framework from which local governments may develop a
3134 greening government initiative, and from which projects may be
3135 eligible for funding pursuant to this statute.

3136 2. Require projects that plan, design, construct, upgrade,
3137 or replace facilities be cost-effective, environmentally sound,
3138 reduce greenhouse gas emissions, and be permittable and
3139 implementable.

3140 3. Require local governments to match state funds with
3141 direct project cost share or in-kind services.

3142 4. Provide for a scale of matching requirements for local
3143 governments on the basis of population in order to assist rural
3144 and undeveloped areas of the state with any financial burden of
3145 addressing climate change impacts.

3146 5. Require grant applications to be submitted on
3147 appropriate forms developed and adopted by the commission with
3148 appropriate supporting documentation and require records to be
3149 maintained.

3150 6. Establish a system to determine the relative priority of
3151 grant applications. The system must consider greenhouse gas
3152 reductions, energy savings and efficiencies, and proven
3153 technologies.

3154 7. Establish requirements for competitive procurement of
3155 engineering and construction services, materials, and equipment.

3156 8. Provide for termination of grants when program
3157 requirements are not met.

3158 (c) Each local government is limited to not more than two
3159 grant applications during each application period announced by
3160 the commission. However, a local government may not have more
3161 than three active projects expending grant funds during any state

601-07390-08

20081544c3

3162 fiscal year.

3163 (d) The commission shall perform adequate overview of each
3164 grant, which may include technical review, site inspections,
3165 disbursement approvals, and auditing to successfully implement
3166 this section.

3167 Section 46. Section 377.901, Florida Statutes, is repealed.

3168 Section 47. The State Energy Program, as authorized and
3169 governed by ss. 20.18, 288.041, 377.601-377.608, 377.701, and
3170 377.703, Florida Statutes, is transferred by a type two transfer,
3171 as defined in s. 20.06(2), Florida Statutes, from the Department
3172 of Environmental Protection to the Florida Energy and Climate
3173 Commission.

3174 Section 48. Section 377.921, Florida Statutes, is created
3175 to read:

3176 377.921 Qualified solar energy system program.--

3177 (1) The Legislature finds that qualified solar energy
3178 systems provide fuel savings and can help protect against future
3179 electricity and natural gas shortages, reduce the state's
3180 dependence on foreign sources of energy, and improve
3181 environmental conditions. The Legislature further finds that the
3182 deployment of qualified solar energy systems advances Florida's
3183 goals of promoting energy efficiency and the development of
3184 renewable energy resources. Therefore, the Legislature finds that
3185 it is in the public interest to encourage public utilities to
3186 develop and implement programs that promote the deployment and
3187 use of qualified solar energy systems.

3188 (2) As used in this section:

3189 (a) "Qualified solar energy system" means a solar thermal
3190 water heating system installed at a customer's premises by a

601-07390-08

20081544c3

3191 public utility. Once installed, ownership of the qualified system
3192 may be retained by the public utility or granted to the customer.

3193 (b) "Public utility" or "utility" means a utility as
3194 defined in s. 366.02(1).

3195 (c) "Eligible program" means a program developed by a
3196 public utility and approved by the commission pursuant to
3197 subsection (5) under which the utility facilitates the
3198 installation of solar thermal water heating systems at a utility
3199 customer's premises.

3200 (d) "Program fuel cost savings" means the total fuel cost
3201 savings that a utility is projected to achieve from all solar
3202 thermal water heating systems installed at a customer's premises
3203 over the life of the qualified solar energy system.

3204 (e) "Program costs" means all costs incurred in
3205 implementing an eligible program, including, but not limited to:

3206 1. In-service capital investments, including the utility's
3207 last authorized rate of return thereon; and

3208 2. Operating and maintenance expense, including, but not
3209 limited to, labor, overhead, materials, advertising, marketing,
3210 customer incentives, or rebates.

3211 (3) Notwithstanding any provision in chapter 366 or rule to
3212 the contrary, a public utility shall be allowed to recover
3213 through the energy conservation cost-recovery clause, either as
3214 period expenses or by capitalizing and amortizing, all prudent
3215 and reasonable program costs incurred in implementing an eligible
3216 program. With respect to any solar hot water heating system, the
3217 amortization period shall be 5 years.

3218 (4) Notwithstanding any provision in chapter 366 or rule to
3219 the contrary, and in addition to recovery under subsection (3), a

601-07390-08

20081544c3

3220 utility shall be allowed to recover through the fuel cost-
3221 recovery clause beginning in the year each solar thermal water
3222 heating system begins operation 50 percent of any such program
3223 fuel cost savings for a period not to exceed 5 years from the
3224 installation date. The remaining 50 percent of fuel saving shall
3225 be returned to the utility's customers through the fuel cost-
3226 recovery clause.

3227 (5) Notwithstanding any provision in chapter 366 or rule to
3228 the contrary, the commission shall enter an order approving a
3229 public utility's qualified solar energy system program if the
3230 utility demonstrates in a petition that:

3231 (a) The qualified solar energy systems to be installed as
3232 part of the program at minimum meet applicable Florida Solar
3233 Energy Center certification requirements.

3234 (b) The qualified solar energy systems are constructed and
3235 installed in conformity with the manufacturer's specifications
3236 and all applicable codes and standards.

3237 (6) Within 60 days after receiving a petition to approve a
3238 qualified solar energy system program, the commission shall
3239 approve the petition or inform the utility of any deficiencies
3240 therein. If the commission informs the utility of deficiencies,
3241 the utility may correct those deficiencies and refile its
3242 petition to approve the qualified solar energy system program.

3243 (7) In order to encourage public utilities to promote the
3244 deployment and use of qualified solar energy systems, the public
3245 utility shall own the renewable attributes or benefits associated
3246 with the energy output of a qualified solar energy system
3247 installed pursuant to an eligible program, including any
3248 renewable energy credit or other instrument issued as a result of

601-07390-08

20081544c3

3249 the utility's eligible program.

3250 (8) This section expires June 30, 2011, unless reenacted by
3251 the Legislature on or before that date. Utilities may not enroll
3252 new customers in the qualified solar energy program after June
3253 30, 2011, unless this section is reenacted.

3254 Section 49. Paragraph (c) of subsection (3) of section
3255 380.23, Florida Statutes, is amended to read:

3256 380.23 Federal consistency.--

3257 (3) Consistency review shall be limited to review of the
3258 following activities, uses, and projects to ensure that such
3259 activities, uses, and projects are conducted in accordance with
3260 the state's coastal management program:

3261 (c) Federally licensed or permitted activities affecting
3262 land or water uses when such activities are in or seaward of the
3263 jurisdiction of local governments required to develop a coastal
3264 zone protection element as provided in s. 380.24 and when such
3265 activities involve:

3266 1. Permits and licenses required under the Rivers and
3267 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3268 2. Permits and licenses required under the Marine
3269 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3270 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3271 3. Permits and licenses required under the Federal Water
3272 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3273 amended, unless such permitting activities have been delegated to
3274 the state pursuant to said act.

3275 4. Permits and licenses relating to the transportation of
3276 hazardous substance materials or transportation and dumping which
3277 are issued pursuant to the Hazardous Materials Transportation

601-07390-08

20081544c3

3278 Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s.
3279 1321, as amended.

3280 5. Permits and licenses required under 15 U.S.C. ss. 717-
3281 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-
3282 1356 for construction and operation of interstate gas pipelines
3283 and storage facilities.

3284 6. Permits and licenses required for the siting and
3285 construction of any new electrical power plants as defined in s.
3286 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
3287 relicensing of hydroelectric power plants under the Federal Power
3288 Act, 16 U.S.C. ss. 791a et seq., as amended.

3289 7. Permits and licenses required under the Mining Law of
3290 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
3291 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
3292 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
3293 amended; the Federal Land Policy and Management Act, 43 U.S.C.
3294 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
3295 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
3296 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
3297 pipelines, geological and geophysical activities, or rights-of-
3298 way on public lands and permits and licenses required under the
3299 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
3300 amended.

3301 8. Permits and licenses for areas leased under the OCS
3302 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
3303 leases and approvals of exploration, development, and production
3304 plans.

3305 9. Permits and licenses required under the Deepwater Port
3306 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

601-07390-08

20081544c3

3307 10. Permits required for the taking of marine mammals under
3308 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
3309 s. 1374.

3310 Section 50. Subsection (20) of section 403.031, Florida
3311 Statutes, is amended to read:

3312 403.031 Definitions.--In construing this chapter, or rules
3313 and regulations adopted pursuant hereto, the following words,
3314 phrases, or terms, unless the context otherwise indicates, have
3315 the following meanings:

3316 (20) "Electrical power plant" means, for purposes of this
3317 part of this chapter, any electrical generating facility that
3318 uses any process or fuel and that is owned or operated by an
3319 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
3320 and includes any associated facility that directly supports the
3321 operation of the electrical power plant.

3322 Section 51. Section 403.44, Florida Statutes, is created to
3323 read:

3324 403.44 Florida Climate Protection Act.--

3325 (1) The Legislature finds it is in the best interest of
3326 this state to document, to the greatest extent practicable,
3327 greenhouse gas (GHG) emissions and to pursue a market-based
3328 emissions-abatement program, such as cap-and-trade, to address
3329 GHG emissions reductions.

3330 (2) As used in this section, the term:

3331 (a) "Allowance" means a credit issued by the department
3332 through allotments or auction which represents an authorization
3333 to emit specific amounts of greenhouse gases, as further defined
3334 in department rule.

3335 (b) "Cap-and-trade" or "emissions trading" means an

601-07390-08

20081544c3

3336 administrative approach used to control pollution by providing a
3337 limit on total allowable emissions, providing for allowances to
3338 emit pollutants, and providing for the transfer of the allowances
3339 among pollutant sources as a means of compliance with emission
3340 limits.

3341 (c) "Greenhouse gas" means carbon dioxide, methane,
3342 nitrogen oxide, and fluorinated gases such as hydrofluorocarbons,
3343 perfluorocarbons, and sulfur hexafluoride.

3344 (d) "Leakage" means the offset of emission abatement that
3345 is achieved in one location subject to emission control
3346 regulation by increased emissions in unregulated locations.

3347 (e) "Major emitter" means an electric utility regulated
3348 under this chapter.

3349 (3) A major emitter must use The Climate Registry for
3350 purposes of emission registration and reporting.

3351 (4) The Department of Environmental Protection shall
3352 establish the methodologies, reporting periods, and reporting
3353 systems that must be used when major emitters report to The
3354 Climate Registry. The department may require the use of quality-
3355 assured data from continuous emissions-monitoring systems.

3356 (5) The department may adopt rules for a cap-and-trade
3357 regulatory program to reduce greenhouse gas emissions from major
3358 emitters. When developing the rules, the department shall consult
3359 with the Governor's Action Team on Energy and Climate Change, the
3360 Public Service Commission, and the Florida Energy Commission. The
3361 rules shall not become effective until ratified by the
3362 Legislature.

3363 (6) The rules of the cap-and-trade regulatory program shall
3364 include, but are not limited to:

601-07390-08

20081544c3

3365 (a) A statewide limit or cap on the amount of GHG emissions
3366 emitted by major emitters.

3367 (b) Methods, requirements, and conditions for allocating
3368 the cap among major emitters.

3369 (c) Methods, requirements, and conditions for emissions
3370 allowances and the process for issuing emissions allowances.

3371 (d) The relationship between allowances and the specific
3372 amounts of greenhouse gases they represent.

3373 (e) A process for the trade of allowances between major
3374 emitters, including a registry, tracking, or accounting system
3375 for such trades.

3376 (f) Cost-containment mechanisms in order to reduce price
3377 and cost risks associated with the electric generation market in
3378 this state.

3379 (g) A process to allow the department to exercise its
3380 authority to discourage leakage of GHG emissions to neighboring
3381 states attributable to the implementation of this program.

3382 (h) Provisions for a trial period on the trading of
3383 allowances before full implementation of a trading system.

3384 (i) Other requirements necessary or desirable to implement
3385 this section.

3386 Section 52. Present subsections (3) through (30) of section
3387 403.503, Florida Statutes, are redesignated as subsections (4)
3388 through (31), respectively, a new subsection (3) is added to that
3389 section, and present subsection (10) of that section is amended,
3390 to read:

3391 403.503 Definitions relating to Florida Electrical Power
3392 Plant Siting Act.--As used in this act:

3393 (3) "Alternate corridor" means an area that is proposed by

601-07390-08

20081544c3

3394 the applicant or a third party within which all or part of an
3395 associated electrical transmission line right-of-way is to be
3396 located and that is different from the preferred transmission
3397 line corridor proposed by the applicant. The width of the
3398 alternate corridor proposed for certification for an associated
3399 electrical transmission line may be the width of the proposed
3400 right-of-way or a wider boundary not to exceed a width of 1 mile.
3401 The area within the alternate corridor may be further restricted
3402 as a condition of certification. The alternate corridor may
3403 include alternate electrical substation sites if the applicant
3404 has proposed an electrical substation as part of the portion of
3405 the proposed electrical transmission line.

3406 (11)-(10) "Corridor" means the proposed area within which an
3407 associated linear facility right-of-way is to be located. The
3408 width of the corridor proposed for certification as an associated
3409 facility, at the option of the applicant, may be the width of the
3410 right-of-way or a wider boundary, not to exceed a width of 1
3411 mile. The area within the corridor in which a right-of-way may be
3412 located may be further restricted by a condition of
3413 certification. After all property interests required for the
3414 right-of-way have been acquired by the licensee, the boundaries
3415 of the area certified shall narrow to only that land within the
3416 boundaries of the right-of-way. The corridors proposed for
3417 certification shall be those addressed in the application, in
3418 amendments to the application filed under s. 403.5064, and in
3419 notices of acceptance of proposed alternate corridors filed by an
3420 applicant and the department pursuant to s. 403.5271, as
3421 incorporated by reference in s. 403.5064(1)(b), for which the
3422 required information for the preparation of agency supplemental

601-07390-08

20081544c3

3423 reports was filed.

3424 Section 53. Present subsections (9) through (12) of section
3425 403.504, Florida Statutes, are redesignated as subsections (10)
3426 through (13), respectively, and a new subsection (9) is added to
3427 that section, to read:

3428 403.504 Department of Environmental Protection; powers and
3429 duties enumerated.--The department shall have the following
3430 powers and duties in relation to this act:

3431 (9) To determine whether an alternate corridor proposed for
3432 consideration under s. 403.5064(4) is acceptable.

3433 Section 54. Subsection (1) of section 403.506, Florida
3434 Statutes, is amended, and subsection (3) is added to that
3435 section, to read:

3436 403.506 Applicability, thresholds, and certification.--

3437 (1) The provisions of this act shall apply to any
3438 electrical power plant as defined herein, except that the
3439 provisions of this act shall not apply to any electrical power
3440 plant ~~or steam generating plant~~ of less than 75 megawatts in
3441 gross capacity including its associated facilities ~~or to any~~
3442 ~~substation to be constructed as part of an associated~~
3443 ~~transmission line~~ unless the applicant has elected to apply for
3444 certification of such electrical power plant ~~or substation~~ under
3445 this act. The provisions of this act shall not apply to ~~any unit~~
3446 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
3447 aggregate, of an existing exothermic reaction cogeneration
3448 electrical generating facility ~~unit~~ that was exempt from this act
3449 when it was originally built; however, this exemption shall not
3450 apply if the unit uses oil or natural gas for purposes other than
3451 unit startup. No construction of any new electrical power plant

601-07390-08

20081544c3

3452 or expansion in steam generating capacity as measured by an
3453 increase in the maximum electrical generator rating of any
3454 existing electrical power plant may be undertaken after October
3455 1, 1973, without first obtaining certification in the manner as
3456 herein provided, except that this act shall not apply to any such
3457 electrical power plant which is presently operating or under
3458 construction or which has, upon the effective date of chapter 73-
3459 33, Laws of Florida, applied for a permit or certification under
3460 requirements in force prior to the effective date of such act.

3461 (3) An electric utility may obtain separate licenses,
3462 permits, and approvals for the construction of facilities
3463 necessary to construct an electrical power plant without first
3464 obtaining certification under this act if the utility intends to
3465 locate, license, and construct a proposed or expanded electrical
3466 power plant that uses nuclear materials as fuel. Such facilities
3467 may include, but are not limited to, access and onsite roads,
3468 rail lines, electrical transmission facilities to support
3469 construction, and facilities necessary for waterborne delivery of
3470 construction materials and project components. This exemption
3471 applies to such facilities regardless of whether the facilities
3472 are used for operation of the power plant. The applicant shall
3473 file with the department a statement that declares that the
3474 construction of such facilities is necessary for the timely
3475 construction of the proposed electrical power plant and
3476 identifies those facilities that the applicant intends to seek
3477 licenses for and construct prior to or separate from
3478 certification of the project. The facilities may be located
3479 within or off of the site for the proposed electrical power
3480 plant. The filing of an application under this act does not

601-07390-08

20081544c3

3481 affect other applications for separate licenses which are pending
3482 at the time of filing the application. Furthermore, the filing of
3483 an application does not prevent an electric utility from seeking
3484 separate licenses for facilities that are necessary to construct
3485 the electrical power plant. Licenses, permits, or approvals
3486 issued by any state, regional, or local agency for such
3487 facilities shall be incorporated by the department into a final
3488 certification upon completion of construction. Any facilities
3489 necessary for construction of the electrical power plant shall
3490 become part of the certified electrical power plant upon
3491 completion of the electrical power plant's construction. The
3492 exemption in this subsection does not require or authorize agency
3493 rulemaking, and any action taken under this subsection is not
3494 subject to chapter 120. This subsection shall be given
3495 retroactive effect and applies to applications filed after May 1,
3496 2008.

3497 Section 55. Subsections (1) and (4) of section 403.5064,
3498 Florida Statutes, are amended to read:

3499 403.5064 Application; schedules.--

3500 (1) The formal date of filing of a certification
3501 application and commencement of the certification review process
3502 shall be when the applicant submits:

3503 (a) Copies of the certification application in a quantity
3504 and format as prescribed by rule to the department and other
3505 agencies identified in s. 403.507(2)(a).

3506 (b) A statement affirming that the applicant is opting to
3507 allow consideration of alternate corridors for an associated
3508 transmission line corridor. If alternate corridors are allowed,
3509 at the applicant's option, the portion of the application

601-07390-08

20081544c3

3510 addressing associated transmission line corridors shall be
3511 processed pursuant to the schedule set forth in ss. 403.521-
3512 403.526 and 403.5271, including the opportunity for the filing
3513 and review of alternate corridors, if a party proposes alternate
3514 transmission line corridor routes for consideration no later than
3515 115 days before the certification hearing that is scheduled for
3516 the power plant, including any associated transmission line
3517 corridors, in accordance with s. 403.508(2).

3518 (c) ~~(b)~~ The application fee specified under s. 403.518 to
3519 the department.

3520 (4) Within 7 days after the filing of an application, the
3521 department shall prepare a proposed schedule of dates for
3522 determination of completeness, submission of statements of
3523 issues, submittal of final reports, and other significant dates
3524 to be followed during the certification process, including dates
3525 for filing notices of appearance to be a party pursuant to s.
3526 403.508(3). If the application includes one or more associated
3527 transmission line corridors, at the request of the applicant
3528 filed concurrently with the application, the department shall use
3529 the application processing schedule set forth in ss. 403.521-
3530 403.526 and 403.5271 for the associated transmission line
3531 corridors, including the opportunity for the filing and review of
3532 alternate corridors, if a party proposes alternate transmission
3533 line corridor routes for consideration no later than 115 days
3534 before the scheduled certification hearing. Notwithstanding an
3535 applicant's option for the transmission line corridor portion of
3536 its application to be processed under the proposed schedule, only
3537 one certification hearing shall be held for the entire power
3538 plant in accordance with s. 403.508(2). The proposed ~~This~~

601-07390-08

20081544c3

3539 | schedule shall be timely provided by the department to the
3540 | applicant, the administrative law judge, all agencies identified
3541 | pursuant to subsection (2), and all parties. Within 7 days after
3542 | the filing of the proposed schedule, the administrative law judge
3543 | shall issue an order establishing a schedule for the matters
3544 | addressed in the department's proposed schedule and other
3545 | appropriate matters, if any.

3546 | Section 56. Subsections (1) and (3) of section 403.50665,
3547 | Florida Statutes, are amended, and subsection (7) is added to
3548 | that section, to read:

3549 | 403.50665 Land use consistency.--

3550 | (1) The applicant shall include in the application a
3551 | statement on the consistency of the site, or any directly
3552 | associated facilities that constitute a "development," as defined
3553 | by s. 380.04, with existing land use plans and zoning ordinances
3554 | that were in effect on the date the application was filed and a
3555 | full description of such consistency.

3556 | (3) If the local government issues a determination that the
3557 | proposed electrical power plant and any directly associated
3558 | facility is not consistent or in compliance with local land use
3559 | plans and zoning ordinances, the applicant may apply to the local
3560 | government for the necessary local approval to address the
3561 | inconsistencies in the local government's determination. If the
3562 | applicant makes such an application to the local government, the
3563 | time schedules under this act shall be tolled until the local
3564 | government issues its revised determination on land use and
3565 | zoning or the applicant otherwise withdraws its application to
3566 | the local government. If the applicant applies to the local
3567 | government for necessary local land use or zoning approval, the

601-07390-08

20081544c3

3568 local government shall issue a revised determination within 30
3569 days following the conclusion of that local proceeding, and the
3570 time schedules and notice requirements under this act shall apply
3571 to such revised determination.

3572 (7) The issue of land use and zoning consistency for any
3573 alternate intermediate electrical substation that is proposed as
3574 part of an alternate electrical transmission line corridor and
3575 that is accepted by the applicant and the department under s.
3576 403.5271(1)(b) shall be addressed in the supplementary report
3577 prepared by the local government on the proposed alternate
3578 corridor and shall be considered as an issue at any final
3579 certification hearing. If such a proposed intermediate electrical
3580 substation is determined to not be consistent with local land use
3581 plans and zoning ordinances, the alternate electrical substation
3582 shall not be certified.

3583 Section 57. Paragraph (d) of subsection (3) of section
3584 403.509, Florida Statutes, is amended, present subsections (4)
3585 through (6) of that section, are redesignated as subsections (5)
3586 through (7), respectively, and a new subsection (4) is added to
3587 that section, to read:

3588 403.509 Final disposition of application.--

3589 (3) In determining whether an application should be
3590 approved in whole, approved with modifications or conditions, or
3591 denied, the board, or secretary when applicable, shall consider
3592 whether, and the extent to which, the location of the electrical
3593 power plant and directly associated facilities and their
3594 construction and operation will:

3595 (d) Meet the electrical energy needs of the state in an
3596 orderly, reliable, and timely fashion.

601-07390-08

20081544c3

3597 (4) (a) Any transmission line corridor certified by the
3598 board, or secretary if applicable, shall meet the criteria of
3599 this section. When more than one transmission line corridor is
3600 proposed for certification under s. 403.503(10) and meets the
3601 criteria of this section, the board, or secretary if applicable,
3602 shall certify the transmission line corridor that has the least
3603 adverse impact regarding the criteria in subsection (3),
3604 including costs.

3605 (b) If the board, or secretary if applicable, finds that an
3606 alternate corridor rejected pursuant to s. 403.5271 as
3607 incorporated by reference in s. 403.5064(1) (b) meets the criteria
3608 of subsection (3) and has the least adverse impact regarding the
3609 criteria in subsection (3), the board, or secretary if
3610 applicable, shall deny certification or shall allow the applicant
3611 to submit an amended application to include the corridor.

3612 (c) If the board, or secretary if applicable, finds that
3613 two or more of the corridors that comply with subsection (3) have
3614 the least adverse impacts regarding the criteria in subsection
3615 (3), including costs, and that the corridors are substantially
3616 equal in adverse impacts regarding the criteria in subsection
3617 (3), including costs, the board, or secretary if applicable,
3618 shall certify the corridor preferred by the applicant if the
3619 corridor is one proper for certification under s. 403.503(10).

3620 Section 58. Subsection (5) is added to section 403.5115,
3621 Florida Statutes, to read:

3622 403.5115 Public notice.--

3623 (5) A proponent of an alternate corridor shall publish
3624 public notices concerning the filing of a proposal for an
3625 alternate corridor; the route of the alternate corridor; the

601-07390-08

20081544c3

3626 revised time schedules, if any; the filing deadline for a
3627 petition to become a party; and the date of the rescheduled
3628 certification hearing, if necessary. For purposes of this
3629 subsection, all notices must be published in a newspaper or
3630 newspapers of general circulation within the county or counties
3631 affected by the proposed alternate corridor and must comply with
3632 the requirements provided in subsection (2). The notices must be
3633 published at least 45 days before the date of the rescheduled
3634 certification hearing.

3635 Section 59. Subsection (1) of section 403.5175, Florida
3636 Statutes, is amended to read:

3637 403.5175 Existing electrical power plant site
3638 certification.--

3639 (1) An electric utility that owns or operates an existing
3640 electrical power plant as defined in s. 403.503(14) ~~s.~~
3641 ~~403.503(13)~~ may apply for certification of an existing power
3642 plant and its site in order to obtain all agency licenses
3643 necessary to ensure compliance with federal or state
3644 environmental laws and regulation using the centrally
3645 coordinated, one-stop licensing process established by this part.
3646 An application for site certification under this section must be
3647 in the form prescribed by department rule. Applications must be
3648 reviewed and processed using the same procedural steps and
3649 notices as for an application for a new facility, except that a
3650 determination of need by the Public Service Commission is not
3651 required.

3652 Section 60. Subsection (6) is added to section 403.518,
3653 Florida Statutes, to read:

3654 403.518 Fees; disposition.--The department shall charge the

601-07390-08

20081544c3

3655 applicant the following fees, as appropriate, which, unless
3656 otherwise specified, shall be paid into the Florida Permit Fee
3657 Trust Fund:

3658 (6) An application fee for an alternate corridor filed
3659 pursuant to s. 403.5064(4). The application fee shall be \$750 per
3660 mile for each mile of the alternate corridor located within an
3661 existing electric transmission line right-of-way or within an
3662 existing right-of-way for a road, highway, railroad, or other
3663 aboveground linear facility, or \$1,000 per mile for each mile of
3664 an electric transmission line corridor proposed to be located
3665 outside the existing right-of-way.

3666 Section 61. Subsection (4) of section 403.519, Florida
3667 Statutes, is amended to read:

3668 403.519 Exclusive forum for determination of need.--

3669 (4) In making its determination on a proposed electrical
3670 power plant using nuclear materials or synthesis gas produced by
3671 integrated gasification combined cycle power plant as fuel, the
3672 commission shall hold a hearing within 90 days after the filing
3673 of the petition to determine need and shall issue an order
3674 granting or denying the petition within 135 days after the date
3675 of the filing of the petition. The commission shall be the sole
3676 forum for the determination of this matter and the issues
3677 addressed in the petition, which accordingly shall not be
3678 reviewed in any other forum, or in the review of proceedings in
3679 such other forum. In making its determination to either grant or
3680 deny the petition, the commission shall consider the need for
3681 electric system reliability and integrity, including fuel
3682 diversity, the need for base-load generating capacity, the need
3683 for adequate electricity at a reasonable cost, and whether

601-07390-08

20081544c3

3684 renewable energy sources and technologies, as well as
3685 conservation measures, are utilized to the extent reasonably
3686 available.

3687 (a) The applicant's petition shall include:

3688 1. A description of the need for the generation capacity.

3689 2. A description of how the proposed nuclear or integrated
3690 gasification combined cycle power plant will enhance the
3691 reliability of electric power production within the state by
3692 improving the balance of power plant fuel diversity and reducing
3693 Florida's dependence on fuel oil and natural gas.

3694 3. A description of and a nonbinding estimate of the cost
3695 of the nuclear or integrated gasification combined cycle power
3696 plant, including any costs associated with new, enlarged, or
3697 relocated electrical transmission lines or facilities of any size
3698 that are necessary to serve the nuclear power plant.

3699 4. The annualized base revenue requirement for the first 12
3700 months of operation of the nuclear or integrated gasification
3701 combined cycle power plant.

3702 5. Information on whether there were any discussions with
3703 any electric utilities regarding ownership of a portion of the
3704 nuclear or integrated gasification combined cycle power plant by
3705 such electric utilities.

3706 (b) In making its determination, the commission shall take
3707 into account matters within its jurisdiction, which it deems
3708 relevant, including whether the nuclear or integrated
3709 gasification combined cycle power plant will:

3710 1. Provide needed base-load capacity.

3711 2. Enhance the reliability of electric power production
3712 within the state by improving the balance of power plant fuel

601-07390-08

20081544c3

3713 | diversity and reducing Florida's dependence on fuel oil and
3714 | natural gas.

3715 | 3. Provide the most cost-effective source of power, taking
3716 | into account the need to improve the balance of fuel diversity,
3717 | reduce Florida's dependence on fuel oil and natural gas, reduce
3718 | air emission compliance costs, and contribute to the long-term
3719 | stability and reliability of the electric grid.

3720 | (c) No provision of rule 25-22.082, Florida Administrative
3721 | Code, shall be applicable to a nuclear or integrated gasification
3722 | combined cycle power plant sited under this act, including
3723 | provisions for cost recovery, and an applicant shall not
3724 | otherwise be required to secure competitive proposals for power
3725 | supply prior to making application under this act or receiving a
3726 | determination of need from the commission.

3727 | (d) The commission's determination of need for a nuclear or
3728 | integrated gasification combined cycle power plant shall create a
3729 | presumption of public need and necessity and shall serve as the
3730 | commission's report required by s. 403.507(4)(a). An order
3731 | entered pursuant to this section constitutes final agency action.
3732 | Any petition for reconsideration of a final order on a petition
3733 | for need determination shall be filed within 5 days after the
3734 | date of such order. The commission's final order, including any
3735 | order on reconsideration, shall be reviewable on appeal in the
3736 | Florida Supreme Court. Inasmuch as delay in the determination of
3737 | need will delay siting of a nuclear or integrated gasification
3738 | combined cycle power plant or diminish the opportunity for
3739 | savings to customers under the federal Energy Policy Act of 2005,
3740 | the Supreme Court shall proceed to hear and determine the action
3741 | as expeditiously as practicable and give the action precedence

601-07390-08

20081544c3

3742 over matters not accorded similar precedence by law.

3743 (e) After a petition for determination of need for a
3744 nuclear or integrated gasification combined cycle power plant has
3745 been granted, the right of a utility to recover any costs
3746 incurred prior to commercial operation, including, but not
3747 limited to, costs associated with the siting, design, licensing,
3748 or construction of the plant and new, expanded, or relocated
3749 electrical transmission lines or facilities of any size that are
3750 necessary to serve the nuclear power plant, shall not be subject
3751 to challenge unless and only to the extent the commission finds,
3752 based on a preponderance of the evidence adduced at a hearing
3753 before the commission under s. 120.57, that certain costs were
3754 imprudently incurred. Proceeding with the construction of the
3755 nuclear or integrated gasification combined cycle power plant
3756 following an order by the commission approving the need for the
3757 nuclear or integrated gasification combined cycle power plant
3758 under this act shall not constitute or be evidence of imprudence.
3759 Imprudence shall not include any cost increases due to events
3760 beyond the utility's control. Further, a utility's right to
3761 recover costs associated with a nuclear or integrated
3762 gasification combined cycle power plant may not be raised in any
3763 other forum or in the review of proceedings in such other forum.
3764 Costs incurred prior to commercial operation shall be recovered
3765 pursuant to chapter 366.

3766 Section 62. Section 403.7031, Florida Statutes, is amended
3767 to read:

3768 403.7031 Limitations on definitions adopted by local
3769 ordinance.--A county or a municipality may ~~shall~~ not adopt by
3770 ordinance, or use in practice, any definition that is

601-07390-08

20081544c3

3771 inconsistent with the definitions in s. 403.703.

3772 Section 63. Section 403.7055, Florida Statutes, is created
3773 to read:

3774 403.7055 Methane capture.--

3775 (1) Each county is encouraged to form multicounty regional
3776 solutions to the capture and reuse or sale of methane gas from
3777 landfills and wastewater treatment facilities.

3778 (2) The department shall provide planning guidelines and
3779 technical assistance to each county to develop and implement such
3780 multicounty efforts.

3781 Section 64. Paragraph (i) of subsection (6) of section
3782 403.814, Florida Statutes, is amended to read:

3783 403.814 General permits; delegation.--

3784 (6) Construction and maintenance of electric transmission
3785 or distribution lines in wetlands by electric utilities, as
3786 defined in s. 366.02, shall be authorized by general permit
3787 provided the following provisions are implemented:

3788 (i) This subsection also applies to transmission lines and
3789 appurtenances certified pursuant to part II of this chapter.

3790 However, the criteria of the general permit shall not otherwise
3791 affect the authority of the siting board to condition
3792 certification of transmission lines as authorized under part II
3793 of this chapter.

3794
3795 Maintenance of existing electric lines and clearing of vegetation
3796 in wetlands conducted without the placement of structures in
3797 wetlands or other dredge and fill activities does not require an
3798 individual or general construction permit. For the purpose of
3799 this subsection, wetlands shall mean the landward extent of

601-07390-08

20081544c3

3800 | waters of the state regulated under ss. 403.91-403.929 and
3801 | isolated and nonisolated wetlands regulated under part IV of
3802 | chapter 373. The provisions provided in this subsection apply to
3803 | the permitting requirements of the department, any water
3804 | management district, and any local government implementing part
3805 | IV of chapter 373 or part VIII of this chapter.

3806 | Section 65. Section 489.145, Florida Statutes, is amended
3807 | to read:

3808 | 489.145 Guaranteed energy performance savings
3809 | contracting.--

3810 | (1) SHORT TITLE.--This section may be cited as the
3811 | "Guaranteed Energy, Water, and Wastewater Performance Savings
3812 | Contracting Act."

3813 | (2) LEGISLATIVE FINDINGS.--The Legislature finds that
3814 | investment in energy, water, and wastewater conservation measures
3815 | in agency facilities can reduce the amount of energy and water
3816 | consumed and wastewater treated and produce immediate and long-
3817 | term savings. It is the policy of this state to encourage each
3818 | agency agencies to invest in energy, water, and wastewater
3819 | efficiency and conservation measures ~~that reduce energy~~
3820 | ~~consumption, produce a cost savings for the agency, and improve~~
3821 | ~~the quality of indoor air in public facilities and to operate,~~
3822 | ~~maintain, and, when economically feasible, build or renovate~~
3823 | ~~existing agency facilities in such a manner as to minimize energy~~
3824 | and water consumption and wastewater production and maximize
3825 | energy, water, and wastewater savings. It is further the policy
3826 | of this state to encourage agencies to reinvest any energy
3827 | savings resulting from energy, water, and wastewater efficiency
3828 | and conservation measures in additional energy, water, and

601-07390-08

20081544c3

3829 wastewater conservation measures ~~efforts~~.

3830 (3) DEFINITIONS.--As used in this section, the term:

3831 (a) "Agency" means the state, a municipality, or a
3832 political subdivision.

3833 (b) "Energy conservation measure" means a ~~training program,~~
3834 ~~facility alteration,~~ or equipment purchase to be used in new
3835 construction, including an addition to ~~an~~ existing facilities or
3836 infrastructure ~~facility~~, which reduces energy, water, or
3837 wastewater or energy-related operating costs and includes, but is
3838 not limited to:

3839 1. Insulation of the facility structure and systems within
3840 the facility.

3841 2. Storm windows and doors, caulking or weatherstripping,
3842 multiglazed windows and doors, heat-absorbing, or heat-
3843 reflective, glazed and coated window and door systems, additional
3844 glazing, reductions in glass area, and other window and door
3845 system modifications that reduce energy consumption.

3846 3. Automatic energy control systems.

3847 4. Heating, ventilating, or air-conditioning system
3848 modifications or replacements.

3849 5. Replacement or modifications of lighting fixtures to
3850 increase the energy efficiency of the lighting system, which, at
3851 a minimum, must conform to the applicable state or local building
3852 code.

3853 6. Energy recovery systems.

3854 7. Cogeneration systems that produce steam or forms of
3855 energy such as heat, as well as electricity, for use primarily
3856 within a facility or complex of facilities.

3857 8. Energy conservation measures that reduce Btu, kW, or kWh

601-07390-08

20081544c3

3858 consumed or that provide long-term operating cost reductions ~~or~~
3859 ~~significantly reduce Btu consumed.~~

3860 9. Renewable energy systems, such as solar, biomass, or
3861 wind systems.

3862 10. Devices that reduce water consumption or sewer charges.

3863 11. Energy storage systems, such as fuel cells and thermal
3864 storage.

3865 12. Energy generating technologies, such as microturbines.

3866 13. Any other repair, replacement, or upgrade of existing
3867 equipment.

3868 (c) "Energy, water, and wastewater cost savings" means a
3869 measured reduction in the cost of fuel, energy, or water
3870 consumption or wastewater production, and stipulated operation
3871 and maintenance created from the implementation of one or more
3872 energy, water, or wastewater efficiency or conservation measures
3873 when compared with an established baseline for the previous cost
3874 of fuel, energy, or water consumption or wastewater production,
3875 and stipulated operation and maintenance.

3876 (d) "Guaranteed energy, water, and wastewater performance
3877 savings contract" means a contract for the evaluation,
3878 recommendation, and implementation of energy, water, and
3879 wastewater efficiency or conservation measures, which, at a
3880 minimum, shall include:

3881 1. The design and installation of equipment to implement
3882 one or more of such measures and, if applicable, operation and
3883 maintenance of such measures.

3884 2. The amount of any actual annual savings that meet or
3885 exceed total annual contract payments made by the agency for the
3886 contract.

601-07390-08

20081544c3

3887 3. The finance charges incurred by the agency over the life
3888 of the contract.

3889 (e) "Guaranteed energy performance savings contractor"
3890 means a person or business that is licensed under chapter 471,
3891 chapter 481, or this chapter, and is experienced in the analysis,
3892 design, implementation, or installation of energy conservation
3893 measures through energy performance contracts.

3894 (f) "Investment grade energy audit" means a detailed
3895 energy, water, and wastewater audit, along with an accompanying
3896 analysis of proposed energy, water, and wastewater conservation
3897 measures, and their costs, savings, and benefits prior to entry
3898 into an energy savings contract.

3899 (4) PROCEDURES.--

3900 (a) An agency may enter into a guaranteed ~~energy~~
3901 performance savings contract with a guaranteed ~~energy~~ performance
3902 savings contractor to ~~significantly~~ reduce energy, water, or
3903 wastewater consumption or production of energy-related operating
3904 costs of an agency facility through one or more energy, water, or
3905 wastewater efficiency or conservation measures.

3906 (b) Before design and installation of energy conservation
3907 measures, the agency must obtain from a guaranteed energy
3908 performance savings contractor an investment grade audit a report
3909 that summarizes the costs associated with the energy conservation
3910 measures or energy-related operational cost-saving measures and
3911 provides an estimate of the amount of the ~~energy~~ cost savings.
3912 The agency and the guaranteed energy performance savings
3913 contractor may enter into a separate agreement to pay for costs
3914 associated with the preparation and delivery of the report;
3915 however, payment to the contractor shall be contingent upon the

601-07390-08

20081544c3

3916 | report's projection of energy or operational cost savings being
3917 | equal to or greater than the total projected costs of the design
3918 | and installation of the report's energy conservation measures.

3919 | (c) The agency may enter into a guaranteed energy
3920 | performance savings contract with a guaranteed energy performance
3921 | savings contractor if the agency finds that the amount the agency
3922 | would spend on the energy conservation or energy-related cost-
3923 | savings measures will not likely exceed the amount of the energy
3924 | or energy-related cost savings for up to 20 years from the date
3925 | of installation, based on the life cycle cost calculations
3926 | provided in s. 255.255, if the recommendations in the report were
3927 | followed and if the qualified provider or providers give a
3928 | written guarantee that the energy or energy-related cost savings
3929 | will meet or exceed the costs of the system. However, actual
3930 | computed cost savings must meet or exceed the estimated cost
3931 | savings provided in program approval. Baseline adjustments used
3932 | in calculations must be specified in the contract. The contract
3933 | may provide for installment payments for a period not to exceed
3934 | 20 years.

3935 | (d) A guaranteed ~~energy~~ performance savings contractor must
3936 | be selected in compliance with s. 287.055; except that if fewer
3937 | than three firms are qualified to perform the required services,
3938 | the requirement for agency selection of three firms, as provided
3939 | in s. 287.055(4)(b), and the bid requirements of s. 287.057 do
3940 | not apply.

3941 | (e) Before entering into a guaranteed energy performance
3942 | savings contract, an agency must provide published notice of the
3943 | meeting in which it proposes to award the contract, the names of
3944 | the parties to the proposed contract, and the contract's purpose.

601-07390-08

20081544c3

3945 (f) A guaranteed ~~energy~~ performance savings contract may
3946 provide for financing, including tax-exempt financing, by a third
3947 party. The contract for third party financing may be separate
3948 from the guaranteed ~~energy~~ performance contract. A separate
3949 contract for third party financing must include a provision that
3950 the third party financier must not be granted rights or
3951 privileges that exceed the rights and privileges available to the
3952 guaranteed energy performance savings contractor.

3953 (g) Financing for guaranteed energy performance savings
3954 contracts may be provided under the authority of s. 287.064.

3955 (h) The office of the Chief Financial Officer shall review
3956 proposals from state agencies to ensure that the most effective
3957 financing is being used.

3958 (i) Annually, the agency that has entered into the contract
3959 shall provide the Department of Management Services and the Chief
3960 Financial Officer the measurement and verification report
3961 required by the contract to validate that energy savings have
3962 occurred.

3963 (j)~~(g)~~ In determining the amount the agency will finance to
3964 acquire the ~~energy~~ conservation measures, the agency may reduce
3965 such amount by the application of any grant moneys, rebates, or
3966 capital funding available to the agency for the purpose of buying
3967 down the cost of the guaranteed ~~energy~~ performance savings
3968 contract. However, in calculating the life cycle cost as required
3969 in paragraph (c), the agency shall not apply any grants, rebates,
3970 or capital funding.

3971 (5) CONTRACT PROVISIONS.--

3972 (a) A guaranteed ~~energy~~ performance savings contract must
3973 include a written guarantee that may include, but is not limited

601-07390-08

20081544c3

3974 to the form of, a letter of credit, insurance policy, or
3975 corporate guarantee by the guaranteed ~~energy~~ performance savings
3976 contractor that annual associated ~~energy~~ cost savings will meet
3977 or exceed the amortized cost of energy conservation measures.

3978 (b) The guaranteed ~~energy~~ performance savings contract must
3979 provide that all payments, except obligations on termination of
3980 the contract before its expiration, may be made over time, but
3981 not to exceed 20 years from the date of complete installation and
3982 acceptance by the agency, and that the annual savings are
3983 guaranteed to the extent necessary to make annual payments to
3984 satisfy the guaranteed ~~energy~~ performance savings contract.

3985 (c) The guaranteed ~~energy~~ performance savings contract must
3986 require that the guaranteed energy performance savings contractor
3987 to whom the contract is awarded provide a 100-percent public
3988 construction bond to the agency for its faithful performance, as
3989 required by s. 255.05.

3990 (d) The guaranteed ~~energy~~ performance savings contract may
3991 contain a provision allocating to the parties to the contract any
3992 annual energy cost savings that exceed the amount of the energy
3993 cost savings guaranteed in the contract.

3994 (e) The guaranteed energy performance savings contract
3995 shall require the guaranteed ~~energy~~ performance savings
3996 contractor to provide to the agency an annual reconciliation of
3997 the guaranteed energy or energy-related cost savings. If the
3998 reconciliation reveals a shortfall in annual energy or energy-
3999 related cost savings, the guaranteed ~~energy~~ performance savings
4000 contractor is liable for such shortfall. If the reconciliation
4001 reveals an excess in annual ~~energy~~ cost savings, the excess
4002 savings may be allocated under paragraph (d) but may not be used

601-07390-08

20081544c3

4003 to cover potential ~~energy~~ cost savings shortages in subsequent
4004 contract years.

4005 (f) The guaranteed ~~energy~~ performance savings contract must
4006 provide for payments of not less than one-twentieth of the price
4007 to be paid within 2 years from the date of the complete
4008 installation and acceptance by the agency using straight-line
4009 amortization for the term of the loan, and the remaining costs to
4010 be paid at least quarterly, not to exceed a 20-year term, based
4011 on life cycle cost calculations.

4012 (g) The guaranteed ~~energy~~ performance savings contract may
4013 extend beyond the fiscal year in which it becomes effective;
4014 however, the term of any contract expires at the end of each
4015 fiscal year and may be automatically renewed annually for up to
4016 20 years, subject to the agency making available sufficient
4017 annual funds appropriations based upon continued realized energy
4018 savings.

4019 (h) The guaranteed ~~energy~~ performance savings contract must
4020 stipulate that it does not constitute a debt, liability, or
4021 obligation of the state.

4022 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
4023 Department of Management Services, with the assistance of the
4024 Office of the Chief Financial Officer, shall ~~may, within~~
4025 ~~available resources~~, provide technical content assistance to
4026 state agencies contracting for energy conservation measures and
4027 engage in other activities considered appropriate by the
4028 department for promoting and facilitating guaranteed energy
4029 performance contracting by state agencies. The Department of
4030 Management Services shall review the investment-grade audit for
4031 each proposed project and certify that the cost savings are

601-07390-08

20081544c3

4032 appropriate and sufficient for the term of the contract. The
4033 Office of the Chief Financial Officer, with the assistance of the
4034 Department of Management Services, shall develop model
4035 contractual and other related documents and shall, by rule may,
4036 within available resources, develop the contract requirements
4037 model contractual and related documents for use by state and
4038 other agencies. Prior to entering into a guaranteed energy
4039 performance savings contract, any contract or lease for third-
4040 party financing, or any combination of such contracts, a state
4041 agency shall submit such proposed contract or lease to the Office
4042 of the Chief Financial Officer for review and approval. A
4043 proposed contract or lease shall include:

4044 (a) Supporting information required by s. 216.023(a)9. in
4045 ss. 287.063(5) and 287.064(11). For contracts approved under s.
4046 489.145, the criteria may, at a minimum, include the
4047 specification of a benchmark cost of capital and minimum real
4048 rate of return on energy, water, or wastewater savings against
4049 which proposals shall be evaluated.

4050 (b) Documentation supporting recurring funds requirements
4051 in ss. 287.063(5) and 287.064(11).

4052 (c) Approval by the agency head or his or her designee.

4053 (d) An agency measurement and verification plan to monitor
4054 cost savings.

4055 (7) FUNDING SUPPORT.--For purposes of consolidated
4056 financing of deferred payment commodity contracts under this
4057 section by a state agency, any such contract must be supported
4058 from available recurring funds appropriated to the agency in an
4059 appropriation category, as defined in chapter 216, which the
4060 Legislature has designated for payment of the obligation incurred

601-07390-08

20081544c3

4061 under this section, or which the Chief Financial Officer has
4062 determined is appropriate.

4063
4064 The office of the Chief Financial Officer may not approve any
4065 contract from any state agency submitted under this section which
4066 does not meet the requirements of this section.

4067 Section 66. Section 526.203, Florida Statutes, is created
4068 to read:

4069 526.203 Renewable fuel standard.--

4070 (1) DEFINITIONS.--As used in this ss. 526.203-526.206, the
4071 terms "blender," "exporter," "importer," "terminal supplier," and
4072 "wholesaler" shall be defined as provided in s. 206.01.

4073 (a) "Fuel ethanol-blended gasoline" means a mixture of 90
4074 percent gasoline and 10 percent fuel ethanol or similar alcohol.
4075 The 10 percent fuel ethanol, or similar alcohol, portion may be
4076 derived from any agricultural source.

4077 (b) "Unblended gasoline" means gasoline that has not been
4078 blended with fuel ethanol.

4079 (2) FUEL STANDARD.--On and after December 31, 2010, all
4080 gasoline sold or offered for sale in Florida at retail shall
4081 contain, at a minimum 10 percent of a agriculturally derived,
4082 denatured ethanol fuel by volume. No terminal supplier, importer,
4083 exporter, blender, or wholesaler in this state shall sell or
4084 deliver fuel that which does not meet the blending requirements
4085 of ss. 526.203-526.206.

4086 (3) EXEMPTIONS.--The requirements of ss. 526.203-526.206 do
4087 not apply to the following:

4088 (a) Fuel used in aircraft;

4089 (b) Fuel sold at marinas and mooring docks for use in boats

601-07390-08

20081544c3

4090 and similar watercraft;
4091 (c) Fuel sold at public or private racecourses intended to
4092 be used exclusively as a fuel for off-highway motor sports racing
4093 events;
4094 (d) Fuel sold for use in collector vehicles or vehicles
4095 eligible to be licensed as collector vehicles, off-road vehicles,
4096 motorcycles, or small engines.
4097 (e) Fuel unable to comply due to requirements of the United
4098 States Environmental Protection Agency;
4099 (f) Fuel bulk transferred between terminals;
4100 (g) Fuel exported from the state in accordance with s.
4101 206.052;
4102 (h) Fuel qualifying for any exemption in accordance with
4103 chapter 206;
4104 (i) Fuel at an electric power plant that is regulated by
4105 the United States Nuclear Regulatory Commission unless such
4106 commission has approved the use of fuel meeting the requirements
4107 of subsection (2);
4108 (j) Fuel for a railroad locomotive; or
4109 (k) Fuel for equipment, including vehicle or vessel,
4110 covered by a warranty that would be voided, if explicitly stated
4111 in writing by the vehicle or vessel manufacturer, if it were to
4112 be operated using fuel meeting the requirements of subsection
4113 (2).
4114 (4) REPORT.--Pursuant to s. 206.43, each terminal supplier,
4115 importer, exporter, blender, and wholesaler shall include in its
4116 report to the Department of Revenue the number of gallons of
4117 gasoline fuel meeting and not meeting the requirements of ss.
4118 526.203-526.206 which is sold and delivered by the terminal

601-07390-08

20081544c3

4119 supplier, importer, exporter, blender, or wholesaler in the
4120 state, and the destination as to the county in the state to which
4121 the gasoline was delivered for resale at retail or use.

4122 Section 67. Section 526.204, Florida Statutes, is created to
4123 read:

4124 526.204 Suspension during declared emergencies; waivers.--

4125 (1) In order to account for supply disruptions and ensure
4126 reliable supplies of motor fuels for Florida, the requirements of
4127 ss. 526.203-526.206 shall be suspended when the provisions of s.
4128 252.36(2) in any area of the state are in effect plus an
4129 additional 30 days.

4130 (2) If a terminal supplier, importer, exporter, blender, or
4131 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
4132 blended gasoline at the same or lower price than the price of
4133 unblended gasoline, the sale or delivery of unblended gasoline by
4134 the terminal supplier, importer, exporter, blender, or wholesaler
4135 shall not be deemed a violation of ss. 526.203-526.206. The
4136 terminal supplier, importer, exporter, blender, or wholesaler
4137 shall, upon request, provide the required documentation regarding
4138 the sales transaction and price of fuel ethanol, fuel ethanol-
4139 blended gasoline, and unblended gasoline to the Department of
4140 Revenue.

4141 Section 68. Section 526.205, Florida Statutes, is created
4142 to read:

4143 526.205 Enforcement.--

4144 (1) It is unlawful to sell or distribute, or offer for sale
4145 or distribution, any gasoline that fails to meet the requirements
4146 of ss. 526.203-526.207.

601-07390-08

20081544c3

4147 (2) Upon determining that a terminal supplier, importer,
4148 exporter, blender, or wholesaler is not meeting the requirements
4149 of s. 526.203(2), the Department of Revenue shall notify the
4150 department.

4151 (3) Upon notification by the Department of Revenue of a
4152 violation of ss. 526.203-526.206, the department shall, subject
4153 to subsection (1), grant an extension or enter an order imposing
4154 one or more of the following penalties:

4155 (a) Issuance of a warning letter.

4156 (b) Imposition of an administrative fine of not more than
4157 \$1,000 per violation for a first-time offender. For a second-time
4158 or repeat offender, or any person who is shown to have willfully
4159 and intentionally violated any provision of this chapter, the
4160 administrative fine shall not exceed \$5,000 per violation. When
4161 imposing any fine under this section, the department shall
4162 consider the amount of money the violator benefited from by
4163 noncompliance, whether the violation was committed willfully, and
4164 the compliance record of the violator.

4165 (c) Revocation or suspension of any registration issued by
4166 the department.

4167 (4) Any terminal supplier, importer, exporter, blender, or
4168 wholesaler may apply to the department by September 30, 2010, for
4169 an extension of time to comply with the requirements of ss.
4170 526.203-526.206. The application for an extension must
4171 demonstrate that the applicant has made a good faith effort to
4172 comply with the requirements but has been unable to do so for
4173 reasons beyond the applicant's control, such as delays in
4174 receiving governmental permits. The department shall review each
4175 application and make a determination as to whether the failure to

601-07390-08

20081544c3

4176 comply was beyond the control of the applicant. If the department
4177 determines that the applicant made a good faith effort to comply,
4178 but was unable to do so for reasons beyond the applicant's
4179 control, the department shall grant an extension of time
4180 determined necessary for the applicant to comply. If no extension
4181 is granted, the department shall proceed with enforcement
4182 pursuant to subsection (3).

4183 Section 69. Section 526.206, Florida Statutes, is created
4184 to read:

4185 526.206 Rules.--

4186 (1) The Department of Revenue is authorized to adopt rules
4187 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
4188 of ss. 526.203-526.206.

4189 (2) The Department of Agriculture and Consumer Services is
4190 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
4191 to implement the provisions of ss. 526.203-526.206.

4192 Section 70. Studies and reports.--

4193 (1) The Florida Energy Commission shall conduct a study to
4194 evaluate and recommend the lifecycle greenhouse gas emissions
4195 associated with all renewable fuels, including, but not limited
4196 to, biodiesel, renewable diesel, biobutanol, ethanol derived from
4197 corn, ethanol derived from sugar, and cellulosic ethanol. In
4198 addition, the study shall evaluate and recommend a requirement
4199 that all renewable fuels introduced into commerce in the state,
4200 as a result of the renewable fuel standard, shall reduce the
4201 lifecycle greenhouse gas emissions by an average percentage. The
4202 study may also evaluate and recommend any benefits associated
4203 with the creation, banking, transfer, and sale of credits among
4204 fuel refiners, blenders, and importers.

601-07390-08

20081544c3

4205 (2) The Florida Energy Commission shall submit a report
4206 containing specific recommendations to the President of the
4207 Senate and the Speaker of the House of Representatives no later
4208 than December 31, 2010.

4209 Section 71. Present subsection (5) of section 553.77,
4210 Florida Statutes, is renumbered as subsection (6), and a new
4211 subsection (5) is added to that section, to read:

4212 553.77 Specific powers of the commission.--

4213 (5) The commission may implement its recommendations
4214 delivered pursuant to subsection (2) of section 48 of chapter
4215 2007-73, Laws of Florida, by amending the Florida Energy
4216 Efficiency Code for Building Construction as provided in s.
4217 553.901.

4218 Section 72. Section 553.886, Florida Statutes, is created
4219 to read:

4220 553.886 Energy-efficiency technologies.--The provisions of
4221 the Florida Building Code must facilitate and promote the use of
4222 cost-effective energy conservation, energy-demand management, and
4223 renewable energy technologies in buildings.

4224 Section 73. Section 553.9061, Florida Statutes, is created
4225 to read:

4226 553.9061 Scheduled increases in thermal efficiency
4227 standards.--

4228 (1) This section establishes a schedule of required
4229 increases in the energy-efficiency performance of buildings that
4230 are subject to the requirements for energy efficiency as
4231 contained in the current edition of the Florida Building Code.
4232 The Florida Building Commission shall implement the following
4233 energy-efficiency goals using the triennial code-adoption process

601-07390-08

20081544c3

4234 established for updates to the Florida Building Code in s.
4235 553.73:

4236 (a) Include requirements in the 2010 edition of the Florida
4237 Building Code to increase the energy-efficiency performance of
4238 new buildings by at least 20 percent as compared to the
4239 performance achieved as a result of the implementation of the
4240 energy-efficiency provisions contained in the 2004 edition of the
4241 Florida Building Code, as amended on May 22, 2007;

4242 (b) Include requirements in the 2013 edition of the Florida
4243 Building Code to increase the energy-efficiency performance of
4244 new buildings by at least 30 percent as compared to the
4245 performance achieved as a result of the implementation of the
4246 energy-efficiency provisions contained in the 2004 edition of the
4247 Florida Building Code, as amended on May 22, 2007;

4248 (c) Include requirements in the 2016 edition of the Florida
4249 Building Code to increase the energy-efficiency performance of
4250 new buildings by at least 40 percent as compared to the
4251 performance achieved as a result of the implementation of the
4252 energy-efficiency provisions contained in the 2004 edition of the
4253 Florida Building Code, as amended on May 22, 2007; and

4254 (d) Include requirements in the 2019 edition of the Florida
4255 Building Code to increase the energy-efficiency performance of
4256 new buildings by at least 50 percent as compared to the
4257 performance achieved as a result of the implementation of the
4258 energy-efficiency provisions contained in the 2004 edition of the
4259 Florida Building Code, as amended on May 22, 2007.

4260 (2) The commission shall identify in any code-support and
4261 compliance documentation the specific building options and
4262 elements available to meet the energy-efficiency performance

601-07390-08

20081544c3

- 4263 requirements required under subsection (1). Energy-efficiency
4264 performance options and elements include, but are not limited to:
- 4265 (a) Solar water heating;
 - 4266 (b) Energy-efficient appliances;
 - 4267 (c) Energy-efficient windows, doors, and skylights;
 - 4268 (d) Low solar-absorption roofs, also known as "cool roofs";
 - 4269 (e) Enhanced ceiling and wall insulation;
 - 4270 (f) Reduced-leak duct systems;
 - 4271 (g) Programmable thermostats; and
 - 4272 (h) Energy-efficient lighting systems.

4273 Section 74. (1) The Florida Building Commission shall
4274 conduct a study to evaluate the energy-efficiency rating of new
4275 buildings and appliances. The study must include a review of the
4276 current energy-efficiency ratings and consumer labeling
4277 requirements contained in chapter 553, Florida Statutes. The
4278 commission shall submit a written report of its study to the
4279 President of the Senate and the Speaker of the House of
4280 Representatives on or before February 1, 2009. The report must
4281 contain the commission's recommendations regarding the
4282 strengthening and integration of energy-efficiency ratings and
4283 labeling requirements.

4284 (2) The provisions of this section expire July 1, 2009.

4285 Section 75. (1) The Florida Building Commission shall
4286 conduct a study to evaluate opportunities to restructure the
4287 Florida Energy Efficiency Code for Building Construction to
4288 achieve long-range improvements to building energy performance.
4289 During such study, the commission shall address the integration
4290 of the Thermal Efficiency Code established in part V of chapter
4291 553, Florida Statutes, the Energy Conservation Standards Act

601-07390-08

20081544c3

4292 established in part VI of chapter 553, Florida Statutes, and the
4293 Florida Building Energy-Efficiency Rating Act established in part
4294 VIII of chapter 553, Florida Statutes.

4295 (2) The commission shall submit a report containing
4296 specific recommendations on the integration of the code and acts
4297 identified in subsection (1) to the President of the Senate and
4298 the Speaker of the House of Representatives on or before February
4299 1, 2009.

4300 (3) The provisions of this section expire July 1, 2009.

4301 Section 76. (1) The Department of Community Affairs, in
4302 conjunction with the Florida Energy Affordability Coalition,
4303 shall identify and review issues relating to the Low-Income Home
4304 Energy Assistance Program and the Weatherization Assistance
4305 Program, and identify recommendations that:

4306 (a) Support customer health, safety, and well-being;

4307 (b) Maximize available financial and energy-conservation
4308 assistance;

4309 (c) Improve the quality of service to customers seeking
4310 assistance; and

4311 (d) Educate customers to make informed decisions regarding
4312 energy use and conservation.

4313 (2) On or before January 1, 2009, the department shall
4314 report its findings and any recommended statutory changes
4315 required to implement such findings to the President of the
4316 Senate and the Speaker of the House of Representatives.

4317 (3) The provisions of this section expire July 1, 2009.

4318 Section 77. Subsection (1) of section 553.957, Florida
4319 Statutes, is amended to read:

4320 553.957 Products covered by this part.--

601-07390-08

20081544c3

4321 (1) The provisions of this part apply to the testing,
4322 certification, and enforcement of energy conservation standards
4323 for the following types of new commercial and residential
4324 products sold in the state:

4325 (a) Refrigerators, refrigerator-freezers, and freezers
4326 which can be operated by alternating current electricity,
4327 excluding:

- 4328 1. Any type designed to be used without doors; and
4329 2. Any type which does not include a compressor and
4330 condenser unit as an integral part of the cabinet assembly.

4331 (b) Lighting equipment.

4332 (c) Showerheads.

4333 (d) Electric water heaters used to heat potable water in
4334 homes or businesses.

4335 (e) Electric motors used to pump water within swimming
4336 pools.

4337 (f) Water heaters for swimming pools.

4338 (g) ~~(d)~~ Any other type of consumer product which the
4339 department classifies as a covered product as specified in this
4340 part.

4341 Section 78. Section 553.975, Florida Statutes, is amended
4342 to read:

4343 553.975 Report to the Governor and Legislature.--The Public
4344 Service Commission shall submit a biennial report to the
4345 Governor, the President of the Senate, and the Speaker of the
4346 House of Representatives, concurrent with the report required by
4347 s. 366.82(5) ~~s. 366.82(4)~~, beginning in 1990. Such report shall
4348 include an evaluation of the effectiveness of these standards on
4349 energy conservation in this state.

601-07390-08

20081544c3

4350 Section 79. The Public Service Commission shall analyze
4351 utility revenue decoupling and provide a report and
4352 recommendations to the Governor, the President of the Senate, and
4353 the Speaker of the House of Representatives by January 1, 2009.

4354 Section 80. Subsection (6) is added to section 718.113,
4355 Florida Statutes, to read:

4356 718.113 Maintenance; limitation upon improvement; display
4357 of flag; hurricane shutters.--

4358 (6) Notwithstanding the provisions of this section or the
4359 governing documents of a condominium or a multicondominium
4360 association, the board of administration may, without any
4361 requirement for approval of the unit owners, install upon or
4362 within the common elements or association property solar
4363 collectors, clotheslines, or other energy-efficient devices based
4364 on renewable resources for the benefit of the unit owners.

4365 Section 81. Section 1004.648, Florida Statutes, is created
4366 to read:

4367 1004.648 Florida Energy Systems Consortium.--

4368 (1) There is created the Florida Energy Systems Consortium
4369 to promote collaboration between experts in the State University
4370 System for the purpose of developing and implementing a
4371 comprehensive, long-term, environmentally compatible,
4372 sustainable, and efficient energy strategic plan for the state.
4373 The consortium shall focus on an overall broad systems approach,
4374 from energy resource to consumer, for producing innovative energy
4375 systems that will lead to alternative energy strategies, improved
4376 energy efficiencies, and expanded economic development for the
4377 state. The consortium shall consist of the University of Florida,
4378 Florida State University, the University of South Florida, the

601-07390-08

20081544c3

4379 University of Central Florida, and Florida Atlantic University.
4380 The consortium shall be administered at the University of Florida
4381 by a director who shall report to the Florida Energy and Climate
4382 Commission, created in s. 377.6015. The commission shall have
4383 ultimate authority over both the technical performance and
4384 financial management of the consortium. In performing its
4385 activities, the consortium must collaborate with an Oversight
4386 Board consisting of the vice president for research at each of
4387 the five universities. The consortium may also collaborate with
4388 industry and other affected parties.

4389 (2) Through collaborative research and development across
4390 the State University System and industry, the goal of the
4391 consortium is to become a world leader in energy research,
4392 education, technology, and energy systems analysis. In so doing,
4393 the consortium shall:

4394 (a) Coordinate and initiate increased collaborative
4395 interdisciplinary energy research among universities and the
4396 energy industry.

4397 (b) Create a Florida energy technology industry.

4398 (c) Provide a state resource for objective energy systems
4399 analysis.

4400 (d) Develop education and outreach programs to prepare a
4401 qualified energy workforce and informed public.

4402 (3) To promote collaboration between researchers within the
4403 State University System, with industry, and other external
4404 partners, the consortium shall receive input from the Florida
4405 Energy and Climate Commission. The University Council, which
4406 shall consist of one member from each university designated by
4407 the corresponding vice president for research, shall provide

601-07390-08

20081544c3

4408 guidance on vision and direction to the director. The board, the
4409 Florida Energy and Climate Commission, and the council shall
4410 constitute the Steering Committee. The Steering Committee is
4411 responsible for establishing and assuring the success of the
4412 consortium's strategic plan.

4413 (4) A major focus of the consortium is to expedite
4414 commercialization of innovative energy technologies by taking
4415 advantage of State University System energy expertise, high
4416 technology incubators, industrial parks, and industry-driven
4417 research centers to attract companies to establish manufacturing
4418 in the state and transition technologies into the state economy.

4419 (5) The consortium shall solicit and leverage state,
4420 federal, and private funds for the purpose of conducting
4421 education, research, and development in the area of sustainable
4422 energy. The Oversight Board shall ensure that the consortium
4423 maintains accurate records of any funds received by the
4424 consortium.

4425 (6) Through research and instructional programs, the
4426 faculty associated with the consortium shall coordinate a
4427 statewide workforce development initiative focusing on college-
4428 level degrees, technician training, and public and commercial
4429 sectors awareness. The consortium shall develop specific programs
4430 targeted at preparing graduates who have a background in energy,
4431 continuing education courses for technical and nontechnical
4432 professionals, and modules, laboratories, and courses to be
4433 shared among the universities. The consortium shall work with the
4434 Florida Community College system using the Florida Advanced
4435 Technological Education Center (FLATE) for the coordination and
4436 design of industry-specific training programs for technicians.

601-07390-08

20081544c3

4437 (7) By November 1 of each year, the consortium shall submit
4438 an annual report to the Governor, the President of the Senate,
4439 the Speaker of the House of Representatives and the Florida
4440 Energy and Climate Commission regarding its activities including,
4441 but not limited to, education, research, development, and
4442 deployment of alternative energy technologies.

4443 Section 82. State interest.--

4444 (1) As a condition for the issuance of grants or other
4445 monetary awards to private companies for energy-related research
4446 or deployment projects, the Department of Environmental
4447 Protection may require a negotiated or licensing agreement
4448 containing a stipulation requiring the return to the state of an
4449 agreed-upon amount or percentage of profit resulting from
4450 commercialization of the product or process.

4451 (2) The Department of Environmental Protection shall
4452 conduct a study to determine how negotiated or licensing
4453 agreements may best be used in these situations in order for the
4454 state to earn a monetary return on energy-related products or
4455 processes that are ultimately prohibited upon commercialization.
4456 The department shall submit its study to the Governor, the
4457 President of the Senate, and the Speaker of the House of
4458 Representatives by February 1, 2009.

4459 Section 83. The Department of Environmental Protection, in
4460 conjunction with the Department of Agriculture and Consumer
4461 Services, shall conduct an economic impact analysis on the
4462 effects of granting financial incentives to energy producers who
4463 use woody biomass as fuel. It shall include an analysis of the
4464 effects on wood supply and prices and the impacts on current
4465 markets and on forest sustainability. The department shall submit

601-07390-08

20081544c3

4466 the results of the study to the President of the Senate and the
4467 Speaker of the House of Representatives.

4468 Section 84. Recycling.--

4469 (1) The Legislature finds that the failure or inability to
4470 economically recover material and energy resources from solid
4471 waste results in the unnecessary waste and depletion of our
4472 natural resources. Therefore, the maximum recycling and reuse of
4473 such resources must be a high-priority goal of this state.

4474 (2) The long-term goal for reducing solid waste through the
4475 recycling efforts of state and local governmental entities shall,
4476 by the year 2020, be a statewide average reduction of 75 percent
4477 of the amount of solid waste that was disposed of in 2007, not
4478 including any recycling efforts undertaken during that year.

4479 (3) The Department of Environmental Protection shall, by
4480 January 1, 2010, develop a recycling program in conjunction with
4481 state and local governments which is designed to meet the
4482 reduction goal stated in subsection (2).

4483 Section 85. The Department of Environmental Protection,
4484 when submitting proposed rules adopted pursuant to s. 403.44,
4485 Florida Statutes, the Climate Protection Act, for ratification by
4486 the Legislature, shall submit a summary report to the Governor,
4487 the President of the Senate, and the Speaker of the House of
4488 Representatives. The report must describe the costs and benefits
4489 of a cap-and-trade system and must include, but need not be
4490 limited to:

4491 (1) The impact of a cap-and-trade system on electricity
4492 prices charged to consumers.

4493 (2) The overall cost of a cap-and-trade system to the
4494 economy of this state.

601-07390-08

20081544c3

4495 | (3) The effect of a cap-and-trade system on low-income
4496 | consumers if the system results in an increase of energy prices
4497 | on low-income consumers.

4498 | Section 86. Except as otherwise expressly provided in this
4499 | act, this act shall take effect July 1, 2008.