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1 A bill to be entitled
2 An act relating to energy conservation; amending s.
3 74.051, F.S.; requiring a court to conduct a hearing and
4 issue a final judgment on a petition for a taking within
5 specified times after a utility's request for such
6 hearing; amending s. 110.171, F.S.; requiring each state
7 agency to complete a telecommuting program by a specified
8 date which includes a listing of the job classification
9 and positions that the state agency considers appropriate
10 for telecommuting; providing requirements for the
11 telecommuting program; requiring each state agency to post
12 the telecommuting program on its website; amending s.
13 163.04, F.S.; revising provisions prohibiting restrictions
14 on the use of energy devices based on renewable resources;
15 amending s. 163.3177, F.S.; revising requirements for the
16 future land use element of a local comprehensive plan;
17 requiring that the traffic-circulation element incorporate
18 transportation strategies to reduce greenhouse gas
19 emissions; revising the conservation element of a local
20 comprehensive plan to include factors that affect energy
21 conservation; requiring a land use map of future land use
22 to depict energy conservation; revising the standards,
23 plans, and principles of the housing element of a local
24 comprehensive plan; requiring each unit of local
25 government within an urbanized area to amend the
26 transportation element to incorporate transportation
27 strategies addressing reduction in greenhouse gas
28 emissions; amending s. 186.007, F.S.; authorizing the
29 Executive Office of the Governor to include in the state

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30 comprehensive plan goals, objectives, and policies related
31 energy and global climate change; amending s. 187.201,
32 F.S.; adopting provisions of the State Comprehensive Plan
33 concerning the development, siting, and use of low-carbon-
34 emitting electric power plants; amending s. 196.012, F.S.;
35 deleting the definition of the term "renewable energy
36 source device" or "device"; amending s. 196.175, F.S.;
37 providing no exemption shall be granted for renewable
38 energy source devices installed before January 1, 2009;
39 amending s. 206.43, F.S.; requiring each terminal
40 supplier, importer, exporter, blender, and wholesaler to
41 include the number of gallons of gasoline fuel which meet
42 and fail to meet certain requirements in their monthly
43 reports to the Department of Revenue; amending s. 212.08,
44 F.S.; requiring that the Florida Energy and Climate
45 Commission rather than the Department of Environmental
46 Protection implement certain responsibilities concerning
47 eligibility and application for the tax exemption;
48 requiring the commission to adopt, by rule, an application
49 form, including the required content and documentation to
50 support the application, for the taxpayer to use in
51 claiming the tax exemption; amending s. 220.192, F.S.;
52 defining terms relating to a tax credit; allowing certain
53 tax credits to be transferred for a specified period;
54 providing procedures and requirements; authorizing the
55 Department of Revenue to adopt rules; amending s. 220.193,
56 F.S.; defining the terms "sale" or "sold" and "taxpayer";
57 providing legislative intent concerning retroactive
58 application of certain renewable energy production tax

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59 credits; providing for the pass through of a renewable
60 energy production tax credit under certain conditions;
61 providing for retroactive application; amending s. 253.02,
62 F.S.; providing that the Board of Trustees of the Internal
63 Improvement Trust Fund may delegate to the Secretary of
64 Environmental Protection the authority to grant easements
65 on its behalf under certain conditions; amending s.
66 253.034, F.S.; granting a utility the use of
67 nonsovereignty state-owned lands upon a showing of
68 competent substantial evidence that the use is reasonable;
69 establishing criteria relating to the title, distribution,
70 and cost of such lands; amending s. 255.249, F.S.;

71 requiring state agencies to annually provide telecommuting
72 plans to the Department of Management Services; amending
73 s. 255.251, F.S.; creating the "Florida Energy
74 Conservation and Sustainable Buildings Act"; amending s.
75 255.252, F.S.; providing findings and legislative intent;
76 providing that it is the policy of the state that
77 buildings constructed and financed by the state, or
78 existing buildings renovated by the state, be designed and
79 constructed with a goal of meeting or exceeding the United
80 States Green Building Council (USGBC) Leadership in Energy
81 and Environmental Design (LEED) rating system, the Green
82 Building Initiative's Green Globes rating system, or the
83 Florida Green Building Coalition standards; requiring each
84 state agency to identify and compile a list of energy-
85 conservation projects that it determines are suitable for
86 a guaranteed energy performance savings contract; amending
87 s. 255.253, F.S.; defining terms relating to energy

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

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117 contract for meeting and conference space with facilities
118 having the "Green Lodging" designation; authorizing the
119 Department of Environmental Protection to adopt rules;
120 requiring the department to establish voluntary technical
121 assistance programs for various businesses; requiring
122 state agencies to maintain vehicles according to minimum
123 standards and follow certain procedures when procuring new
124 vehicles; requiring state agencies to use ethanol and
125 biodiesel-blended fuels when available; amending s.
126 287.063, F.S.; prohibiting the payment term for equipment
127 from exceeding the useful life of the equipment unless the
128 contract provides for the replacement or the extension of
129 the useful life of the equipment during the term of the
130 deferred payment contract; amending s. 287.064, F.S.;
131 authorizing an extension of the master equipment financing
132 agreement for energy conservation equipment; requiring the
133 guaranteed energy, water, and wastewater performance
134 savings contractor to provide for the replacement or the
135 extension of the useful life of the equipment during the
136 term of the contract; amending s. 287.16, F.S.; requiring
137 the Department of Management Services to conduct an
138 analysis of the Department of Transportation's ethanol and
139 biodiesel use and encourage other state agencies to
140 analyze transportation fuel usage and report such
141 information to the Department of Management Services;
142 amending s. 288.1089, F.S.; defining the term "alternative
143 and renewable energy"; detailing the conditions for an
144 alternative and renewable energy project to be eligible
145 for an innovation incentive award; amending s. 337.401,

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146 F.S.; requiring the Department of Environmental Protection
147 to adopt rules relating to the placement of and access to
148 aerial and underground electric transmission lines having
149 certain specifications; defining the term "base-load
150 generating facilities"; amending s. 339.175, F.S.;
151 requiring each metropolitan planning organization to
152 develop a long-range transportation plan that, among other
153 considerations, provides for sustainable growth and
154 reduces greenhouse gas emissions; amending s. 366.82,
155 F.S.; requiring the Public Service Commission to adopt
156 rules requiring utilities to offset 20 percent of their
157 annual load-growth through energy efficiency and
158 conservation measures; requiring the commission to create
159 an in-state market for tradable credits enabling those
160 utilities that exceed the conservation standard to sell
161 credits to those that cannot meet the standard for a given
162 year; requiring that the commission conduct a periodic
163 review; requiring the commission to require municipal and
164 cooperative utilities that are exempt from the Energy
165 Efficiency and Conservation Act to submit an annual report
166 identifying energy efficiency and conservation goals and
167 the actions taken to meet those goals; requiring that the
168 Florida Energy and Climate Commission be a party in the
169 proceedings to adopt goals and file with the Public
170 Service Commission comments on the proposed goals;
171 requiring the Public Service Commission to use certain
172 methodologies in the evaluation of demand-side management
173 programs; amending s. 366.8255, F.S.; redefining the term
174 "environmental compliance costs" to include costs or

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175 expenses prudently incurred for scientific research and
176 geological assessments of carbon capture and storage for
177 the purpose of reducing an electric utility's greenhouse
178 gas emissions; amending s. 366.91, F.S.; providing
179 definitions; requiring each public utility, municipal
180 electric utility, and rural electric cooperative to
181 develop a standardized interconnection agreement and net
182 metering program for customer-owned renewable generation;
183 provides for rulemaking and the filing of certain reports;
184 providing definitions; requiring the commission to adopt a
185 renewable portfolio standard by rule; requiring that the
186 rule be ratified by the Legislature; providing that the
187 rule must be submitted for legislative approval by
188 February 1, 2009; specifying criteria for the rule
189 development; allowing for full cost recovery of certain
190 reasonable and prudent costs prior to the ratification of
191 the rule; requiring each municipal electric utility and
192 rural electric cooperative to develop standards for the
193 use of renewable energy resources and energy conservation
194 measures and submit a report to the Public Service
195 Commission which identifies such standards; amending s.
196 366.93, F.S.; revising the definitions of "cost" and
197 "preconstruction"; requiring the Public Service Commission
198 to establish rules relating to cost recovery for the
199 construction of new, expanded, or relocated electrical
200 transmission lines and facilities for alternative energy
201 technologies; transferring the State Energy Program from
202 the Department of Environmental Protection to the Florida
203 Energy and Climate Commission; creating s. 377.6015, F.S.;

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204 creating the Florida Energy and Climate Commission;
205 providing for the appointment and qualifications of
206 members; providing for meetings, duties, and authority of
207 the commission; authorizing the commission to adopt rules;
208 amending s. 377.602, F.S.; revising definitions; amending
209 ss. 377.603, 377.604, 377.605, and 377.606, F.S.;
210 conforming provisions to changes made by the act; amending
211 s. 377.701, F.S.; assigning responsibility for petroleum
212 allocation and conservation to the commission rather than
213 the Department of Environmental Protection; amending s.
214 377.703, F.S.; assigning additional duties to the Florida
215 Energy and Climate Commission relating to state energy
216 policy; deleting definitions; conforming cross-references;
217 amending s. 377.705, F.S.; revising legislative intent
218 relating to solar energy standards; amending s. 377.801,
219 F.S.; revising a short title; amending s. 377.802, F.S.;
220 revising the purpose of the Florida Energy and Climate
221 Protection Act; amending s. 377.803, F.S.; revising
222 definitions; amending s. 377.804, F.S.; assigning
223 responsibility for the Renewable Energy and Energy-
224 Efficient Technologies Grant Program to the Florida Energy
225 and Climate Commission rather than the Department of
226 Environmental Protection; requiring the commission to
227 develop policies relating to commercialized products
228 developed under a state grant; requiring grant
229 applications to include an affidavit attesting to the
230 veracity of statements in the application; amending s.
231 377.806, F.S.; providing for administration of the Solar
232 Energy System Incentives Program by the Florida Energy and

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233 Climate Commission rather than the Department of
234 Environmental Protection; requiring compliance with the
235 Florida Building Code rather than local codes in order to
236 be eligible for a rebate under the program; creating s.
237 377.808, F.S.; creating the Florida Green Government
238 Grants Act; providing a short title; requiring the Florida
239 Energy and Climate Commission to award grants to assist
240 local governments in the development of programs that
241 achieve green standards; requiring the commission to adopt
242 rules; providing requirements for the rules; limiting the
243 number of grant applications by a local government;
244 limiting the number of active projects that may be
245 conducted by a local government; requiring the commission
246 to perform an overview of each grant; repealing s.
247 377.901, F.S., relating to the Florida Energy Commission
248 within the Department of Environmental Protection;
249 creating s. 377.921, F.S., relating to qualified solar
250 energy systems; providing definitions; allowing a public
251 utility to recover certain costs; amending ss. 380.23 and
252 403.031, F.S.; conforming cross-references; creating s.
253 403.44, F.S.; creating the Florida Climate Protection Act;
254 defining terms; requiring the Department of Environmental
255 Protection to establish the methodologies, reporting
256 periods, and reporting systems that must be used when
257 major emitters report to The Climate Registry; authorizing
258 the department to adopt rules for a cap-and-trade
259 regulatory program to reduce greenhouse gas emissions from
260 major emitters; providing for the content of the rule;
261 amending s. 403.502, F.S.; providing legislative intent;

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262 amending s. 403.503, F.S.; defining the term "alternate
263 corridor" and redefining the term "corridor" for purposes
264 of the Florida Electrical Power Plant Siting Act; amending
265 s. 403.504, F.S.; requiring the Department of
266 Environmental Protection to determine whether a proposed
267 alternate corridor is acceptable; amending s. 403.506,
268 F.S.; exempting an electric utility from obtaining
269 certification under the Florida Electrical Power Plant
270 Siting Act before constructing facilities for a power
271 plant using nuclear materials as fuel; providing that a
272 utility may obtain separate licenses, permits, and
273 approvals for such construction under certain
274 circumstances; exempting such provisions from review under
275 ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an
276 applicant to submit a statement to the department if such
277 applicant opts for consideration of alternate corridors;
278 amending s. 403.5065, F.S.; providing for conforming
279 changes; amending s. 403.50663, F.S.; providing for notice
280 of meeting to the general public; amending s. 403.50665,
281 F.S.; requiring an application to include a statement on
282 the consistency of directly associated facilities
283 constituting a "development"; requiring the Department of
284 Environmental Protection to address at the certification
285 hearing the issue of compliance with land use plans and
286 zoning ordinances for a proposed substation located in or
287 along an alternate corridor; amending s. 403.507, F.S.;
288 providing for reports to be submitted to the department no
289 later than 100 days after certification application has
290 been determined complete; amending s. 403.508, F.S.;

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291 providing for land use and certification hearings;
292 amending s. 403.509, F.S.; requiring the Governor and
293 Cabinet sitting as the siting board to certify the
294 corridor having the least adverse impact; authorizing the
295 board to deny certification or allow a party to amend its
296 proposal; amending s. 403.511, F.S.; providing for
297 conforming changes; amending s. 403.5112, F.S.; providing
298 for filing of notice; amending s. 403.5113, F.S.;
299 providing for postcertification amendments and
300 postcertification review; amending s. 403.5115, F.S.;
301 requiring the applicant proposing the alternate corridor
302 to publish all notices relating to the application;
303 requiring that such notices comply with certain
304 requirements; requiring that notices be published at least
305 45 days before the rescheduled certification hearing;
306 amending ss. 403.516, 403.517, and 403.5175, F.S.;
307 providing conforming changes and cross-references;
308 amending s. 403.518, F.S.; authorizing the Department of
309 Environmental Protection to charge an application fee for
310 an alternate corridor; amending ss. 403.519, 403.5252,
311 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363,
312 403.5365, and 403.814, F.S., relating to determinations of
313 need and general permits; conforming provisions to changes
314 made by the act; amending s. 403.7031, F.S.; prohibiting a
315 county or municipality from using in practice any
316 definition inconsistent with certain statutes; creating s.
317 403.7055, F.S.; encouraging counties in the state to form
318 regional solutions to the capture and reuse or sale of
319 methane gas from landfills and wastewater treatment

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320 facilities; requiring the Department of Environmental
321 Protection to provide guidelines and assistance; amending
322 s. 403.814, F.S., relating to general permits; conforming
323 provisions; amending s. 489.145, F.S.; revising provisions
324 of the Guaranteed Energy Performance Savings Contracting
325 Act; renaming the act as the "Guaranteed Energy, Water,
326 and Wastewater Performance Savings Contracting Act";
327 requiring that each proposed contract or lease contain
328 certain agreements concerning operational cost-saving
329 measures; redefining terms; defining the term "investment
330 grade energy audit"; requiring that certain baseline
331 information, supporting information, and documentation be
332 included in contracts; requiring the office of the Chief
333 Financial Officer to review contract proposals; providing
334 audit requirements; requiring contract approval by the
335 Legislature or Chief Financial Officer; creating s.
336 526.203, F.S.; providing definitions; requiring that on or
337 after a specified date all gasoline sold in the state
338 contain a specified percent of agriculturally derived
339 denatured ethanol; providing for exemptions; creating s.
340 526.204, F.S.; providing for the requirements to be
341 suspended during a declared emergency; providing an
342 exemption if a supplier or other distributor is unable to
343 obtain the required fuel at the same or lower price than
344 the price of unblended gasoline; requiring that
345 documentation be provided to the Department of Revenue;
346 creating s. 526.205, F.S.; providing for enforcement of
347 the requirement for gasoline content; providing penalties;
348 providing for the Department of Revenue to grant an

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349 extension of time to comply with the requirement; creating
350 s. 526.206, F.S.; authorizing the Department of Revenue
351 and the Department of Agriculture and Consumer Services to
352 adopt rules; requiring the Florida Energy Commission to
353 conduct a study of the lifecycle greenhouse gas emissions
354 associated with all renewable fuels; requiring a report to
355 the Legislature by a specified date; amending s. 553.77,
356 F.S.; authorizing the Florida Building Commission to
357 implement recommendations relating to energy efficiency in
358 residential and commercial buildings; creating s. 553.886,
359 F.S.; requiring that the Florida Building Code facilitate
360 and promote the use of certain renewable energy
361 technologies in buildings; amending s. 553.901, F.S.;
362 requiring the commission to adopt by rule a definition of
363 the term "cost effective"; creating s. 553.9061, F.S.;
364 requiring the Florida Building Commission to establish a
365 schedule of increases in the energy performance of
366 buildings subject to the Energy Efficiency Code for
367 Building Construction; providing a process for
368 implementing goals to increase energy-efficiency
369 performance in new buildings; providing a schedule for the
370 implementation of such goals; identifying energy-
371 efficiency performance options and elements available to
372 meet energy-efficiency performance requirements; providing
373 a schedule for the review and adoption of renewable
374 energy-efficiency goals by the commission; requiring the
375 commission to conduct a study to evaluate the energy-
376 efficiency rating of new buildings and appliances;
377 requiring the commission to submit a report to the

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378 President of the Senate and the Speaker of the House of
379 Representatives on or before a specified date; requiring
380 the commission to conduct a study to evaluate
381 opportunities to restructure the Florida Energy Code for
382 Building Construction, including the integration of the
383 Thermal Efficiency Code, the Energy Conservation Standards
384 Act, and the Florida Building Energy-Efficiency Rating
385 Act; requiring the commission to submit a report to the
386 President of the Senate and the Speaker of the House of
387 Representatives on or before a specified date; directing
388 the Department of Community Affairs, in conjunction with
389 the Florida Energy Affordability Council, to identify and
390 review issues relating to the Low-Income Home Energy
391 Assistance Program and the Weatherization Assistance
392 Program; requiring the submission of a report to the
393 President of the Senate and the Speaker of the House of
394 Representatives on or before a specified date; providing
395 for the expiration of certain study requirements; amending
396 s. 553.957, F.S.; including certain home and commercial
397 appliances in the requirements for testing and
398 certification for meeting certain energy-conservation
399 standards; amending s. 553.975, F.S.; conforming a cross-
400 reference; requiring the Public Service Commission to
401 analyze utility revenue decoupling and provide a report
402 and recommendations to the Governor, the President of the
403 Senate, and the Speaker of the House of Representatives by
404 a specified date; amending s. 718.113, F.S.; authorizing
405 the board of a condominium or a multicondominium to
406 install solar collectors, clotheslines, or other energy-

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407 efficient devices on association property; creating s.
408 1004.648, F.S.; establishing the Florida Energy Systems
409 Consortium, consisting of specified state universities;
410 providing membership and duties of the consortium;
411 providing for an oversight board and steering committee;
412 providing reporting requirements for the consortium by a
413 date certain; authorizing the Department of Environmental
414 Protection to require certain agreements to contain a
415 stipulation requiring the return to the state of a portion
416 of the profit resulting from commercialization of an
417 energy-related product or process; requiring the
418 department to conduct a study relating to the state
419 earning a monetary return on energy-related products or
420 processes through the use of negotiated or licensing
421 agreements; requiring the department to submit the study
422 to the Governor and the Legislature; requiring the
423 Department of Environmental Protection, in conjunction
424 with the Department of Agriculture and Consumer Services,
425 to conduct an economic impact analysis on the effect of
426 granting financial incentives to energy producers who use
427 woody biomass; requiring the department to submit the
428 results to the Legislature; providing legislative findings
429 regarding recycling; providing for a long-term goal of
430 reducing the amount of solid waste disposed of in the
431 state by a certain percentage; requiring the Department of
432 Environmental Protection to develop a comprehensive
433 recycling program and submit such program to the
434 Legislature by a specified date; requiring the
435 Legislature's approval before implementing such program;

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436 requiring that such program be developed in coordination
437 with other state and local entities, private businesses,
438 and the public; requiring that the program contain certain
439 components; requiring the Department of Environmental
440 Protection to prepare a report relating to the costs and
441 benefits of implementing a cap-and-trade system to trade
442 emission credits; requiring the department to present the
443 report to the Governor, the President of the Senate, and
444 the Speaker of the House of Representatives; describing
445 certain specified issues to be included in the report;
446 providing effective dates.

447
448 Be It Enacted by the Legislature of the State of Florida:

449
450 Section 1. Present subsection (3) of section 74.051,
451 Florida Statutes, is renumbered as subsection (4), and a new
452 subsection (3) is added to that section, to read:

453 74.051 Hearing on order of taking.--

454 (3) If a defendant requests a hearing and the petitioner is
455 an electric utility that is seeking to appropriate property
456 necessary for an electric generation plant, an associated
457 facility of such plant, an electric substation, or a power line,
458 the court shall conduct the hearing no more than 120 days after
459 the petition is filed. The court shall issue its order of taking
460 no more than 30 days after the conclusion of the hearing.

461 Section 2. Subsection (3) of section 110.171, Florida
462 Statutes, is amended, and a new subsection (4) is added to that
463 section, to read:

464 110.171 State employee telecommuting program.--

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465 (3) By September 30, 2009 ~~October 1, 1994~~, each state
466 agency shall identify and maintain a current listing of the job
467 classifications and positions that the agency considers
468 appropriate for telecommuting. Agencies that adopt a state
469 employee telecommuting program must:

470 (a) Give equal consideration to career service and exempt
471 positions in their selection of employees to participate in the
472 telecommuting program.

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

476 (c) Provide that participation by an employee in a
477 telecommuting program is voluntary, and that the employee may
478 elect to cease to participate in a telecommuting program at any
479 time.

480 (d) Adopt provisions to allow for the termination of an
481 employee's participation in the program if the employee's
482 continued participation would not be in the best interests of the
483 agency.

484 (e) Provide that an employee is not currently under a
485 performance improvement plan in order to participate in the
486 program.

487 (f) Ensure that employees participating in the program are
488 subject to the same rules regarding attendance, leave,
489 performance reviews, and separation action as are other
490 employees.

491 (g) Establish the reasonable conditions that the agency
492 plans to impose in order to ensure the appropriate use and
493 maintenance of any equipment or items provided for use at a

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494 participating employee's home or other place apart from the
495 employee's usual place of work, including the installation and
496 maintenance of any telephone equipment and ongoing communications
497 costs at the telecommuting site which is to be used for official
498 use only.

499 (h) Prohibit state maintenance of an employee's personal
500 equipment used in telecommuting, including any liability for
501 personal equipment and costs for personal utility expenses
502 associated with telecommuting.

503 (i) Describe the security controls that the agency
504 considers appropriate.

505 (j) Provide that employees are covered by workers'
506 compensation under chapter 440, when performing official duties
507 at an alternate worksite, such as the home.

508 (k) Prohibit employees engaged in a telecommuting program
509 from conducting face-to-face state business at the homesite.

510 (l) Require a written agreement that specifies the terms
511 and conditions of telecommuting, which includes verification by
512 the employee that the home office provides work space that is
513 free of safety and fire hazards, together with an agreement which
514 holds the state harmless against any and all claims, excluding
515 workers' compensation claims, resulting from an employee working
516 in the home office, and which must be signed and agreed to by the
517 telecommuter and the supervisor.

518 (m) Provide measureable financial benefits associated with
519 reduced office space requirements, reductions in energy
520 consumption and reductions in associated emissions of greenhouse
521 gases resulting from telecommuting. State agencies operating in
522 office space owned or managed by the department shall consult the

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523 facilities program to ensure its consistency with the strategic
524 leasing plan required under s. 255.249(3)(b).

525 (4) The telecommuting program for each state agency, and
526 pertinent supporting documents, shall be posted on the agency's
527 website to allow access by employees and the public.

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

530 163.04 Energy devices based on renewable resources.--

531 (2) A deed restriction, covenant, declaration, or similar
532 binding agreement may not ~~No deed restrictions, covenants, or~~
533 ~~similar binding agreements running with the land shall prohibit~~
534 ~~or have the effect of prohibiting solar collectors, clotheslines,~~
535 ~~or other energy devices based on renewable resources from being~~
536 ~~installed on buildings erected on the lots or parcels covered by~~
537 ~~the deed restriction, covenant, declaration, or binding agreement~~
538 ~~restrictions, covenants, or binding agreements.~~ A property owner
539 may not be denied permission to install solar collectors or other
540 energy devices ~~based on renewable resources~~ by any entity granted
541 the power or right in any deed restriction, covenant,
542 declaration, or similar binding agreement to approve, forbid,
543 control, or direct alteration of property with respect to
544 residential dwellings and within the boundaries of a condominium
545 unit. ~~not exceeding three stories in height. For purposes of this~~
546 ~~subsection,~~ Such entity may determine the specific location where
547 solar collectors may be installed on the roof within an
548 orientation to the south or within 45° east or west of due south
549 ~~if provided that~~ such determination does not impair the effective
550 operation of the solar collectors.

551 Section 4. Paragraphs (a), (b), (d), (f), and (j) of

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552 subsection (6) of section 163.3177, Florida Statutes, are amended
553 to read:

554 163.3177 Required and optional elements of comprehensive
555 plan; studies and surveys.--

556 (6) In addition to the requirements of subsections (1)-(5)
557 and (12), the comprehensive plan shall include the following
558 elements:

559 (a) A future land use plan element designating proposed
560 future general distribution, location, and extent of the uses of
561 land for residential uses, commercial uses, industry,
562 agriculture, recreation, conservation, education, public
563 buildings and grounds, other public facilities, and other
564 categories of the public and private uses of land. Counties are
565 encouraged to designate rural land stewardship areas, pursuant to
566 ~~the provisions of~~ paragraph (11) (d), as overlays on the future
567 land use map. Each future land use category must be defined in
568 terms of uses included, and must include standards for ~~to be~~
569 ~~followed in~~ the control and distribution of population densities
570 and building and structure intensities. The proposed
571 distribution, location, and extent of the various categories of
572 land use shall be shown on a land use map or map series which
573 shall be supplemented by goals, policies, and measurable
574 objectives. The future land use plan shall be based upon surveys,
575 studies, and data regarding the area, including the amount of
576 land required to accommodate anticipated growth; the projected
577 population of the area; the character of undeveloped land; the
578 availability of water supplies, public facilities, and services;
579 the need for redevelopment, including the renewal of blighted
580 areas and the elimination of nonconforming uses which are

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581 inconsistent with the character of the community; the
582 compatibility of uses on lands adjacent to or closely proximate
583 to military installations; the discouragement of urban sprawl;
584 energy-efficient land use patterns accounting for existing and
585 future electric power generation and transmission systems;
586 greenhouse gas reduction strategies; and, in rural communities,
587 the need for job creation, capital investment, and economic
588 development that will strengthen and diversify the community's
589 economy. The future land use plan may designate areas for future
590 planned development ~~use~~ involving combinations of types of uses
591 for which special regulations may be necessary to ensure
592 development in accord with the principles and standards of the
593 comprehensive plan and this act. The future land use plan element
594 shall include criteria to be used to achieve the compatibility of
595 adjacent or closely proximate lands with military installations.
596 In addition, for rural communities, the amount of land designated
597 for future planned industrial use shall be based upon surveys and
598 studies that reflect the need for job creation, capital
599 investment, and the necessity to strengthen and diversify the
600 local economies, and may ~~shall~~ not be limited solely by the
601 projected population of the rural community. The future land use
602 plan of a county may also designate areas for possible future
603 municipal incorporation. The land use maps or map series shall
604 generally identify and depict historic district boundaries and
605 ~~shall~~ designate historically significant properties meriting
606 protection. For coastal counties, the future land use element
607 must include, without limitation, regulatory incentives and
608 criteria that encourage the preservation of recreational and
609 commercial working waterfronts as defined in s. 342.07. The

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610 future land use element must clearly identify the land use
611 categories in which public schools are an allowable use. When
612 delineating the land use categories in which public schools are
613 an allowable use, a local government shall include in the
614 categories sufficient land proximate to residential development
615 to meet the projected needs for schools in coordination with
616 public school boards and may establish differing criteria for
617 schools of different type or size. Each local government shall
618 include lands contiguous to existing school sites, to the maximum
619 extent possible, within the land use categories in which public
620 schools are an allowable use. The failure by a local government
621 to comply with these school siting requirements will result in
622 the prohibition of the local government's ability to amend the
623 local comprehensive plan, except for plan amendments described in
624 s. 163.3187(1)(b), until the school siting requirements are met.
625 Amendments proposed by a local government for purposes of
626 identifying the land use categories in which public schools are
627 an allowable use are exempt from the limitation on the frequency
628 of plan amendments provided ~~contained~~ in s. 163.3187. The future
629 land use element shall include criteria that encourage the
630 location of schools proximate to urban residential areas to the
631 extent possible and shall require that the local government seek
632 to collocate public facilities, such as parks, libraries, and
633 community centers, with schools to the extent possible and to
634 encourage the use of elementary schools as focal points for
635 neighborhoods. For schools serving predominantly rural counties,
636 defined as a county with a population of 100,000 or fewer, an
637 agricultural land use category is ~~shall be~~ eligible for the
638 location of public school facilities if the local comprehensive

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639 plan contains school siting criteria and the location is
640 consistent with such criteria. Local governments required to
641 update or amend their comprehensive plan to include criteria and
642 address compatibility of adjacent or closely proximate lands with
643 existing military installations in their future land use plan
644 element shall transmit the update or amendment to the department
645 by June 30, 2006.

646 (b) A traffic circulation element consisting of the types,
647 locations, and extent of existing and proposed major
648 thoroughfares and transportation routes, including bicycle and
649 pedestrian ways. Transportation corridors, as defined in s.
650 334.03, may be designated in the traffic circulation element
651 pursuant to s. 337.273. If the transportation corridors are
652 designated, the local government may adopt a transportation
653 corridor management ordinance. The traffic circulation element
654 shall incorporate transportation strategies to address reduction
655 in greenhouse gas emissions from the transportation sector.

656 (d) A conservation element for the conservation, use, and
657 protection of natural resources in the area, including air,
658 water, water recharge areas, wetlands, waterwells, estuarine
659 marshes, soils, beaches, shores, flood plains, rivers, bays,
660 lakes, harbors, forests, fisheries and wildlife, marine habitat,
661 minerals, and other natural and environmental resources,
662 including factors that affect energy conservation. Local
663 governments shall assess their current, as well as projected,
664 water needs and sources for at least a 10-year period,
665 considering the appropriate regional water supply plan approved
666 pursuant to s. 373.0361, or, in the absence of an approved
667 regional water supply plan, the district water management plan

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668 approved pursuant to s. 373.036(2). This information shall be
669 submitted to the appropriate agencies. The land use map or map
670 series contained in the future land use element shall generally
671 identify and depict the following:

- 672 1. Existing and planned waterwells and cones of influence
673 where applicable.
- 674 2. Beaches and shores, including estuarine systems.
- 675 3. Rivers, bays, lakes, flood plains, and harbors.
- 676 4. Wetlands.
- 677 5. Minerals and soils.
- 678 6. Energy conservation.

679

680 The land uses identified on such maps shall be consistent with
681 applicable state law and rules.

682 (f)1. A housing element consisting of standards, plans, and
683 principles to be followed in:

684 a. The provision of housing for all current and anticipated
685 future residents of the jurisdiction.

686 b. The elimination of substandard dwelling conditions.

687 c. The structural and aesthetic improvement of existing
688 housing.

689 d. The provision of adequate sites for future housing,
690 including affordable workforce housing as defined in s.

691 380.0651(3)(j), housing for low-income, very low-income, and
692 moderate-income families, mobile homes, and group home facilities
693 and foster care facilities, with supporting infrastructure and
694 public facilities.

695 e. Provision for relocation housing and identification of
696 historically significant and other housing for purposes of

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697 conservation, rehabilitation, or replacement.

698 f. The formulation of housing implementation programs.

699 g. The creation or preservation of affordable housing to
700 minimize the need for additional local services and avoid the
701 concentration of affordable housing units only in specific areas
702 of the jurisdiction.

703 h. Energy efficiency in the design and construction of new
704 housing ~~By July 1, 2008, each county in which the gap between the~~
705 ~~buying power of a family of four and the median county home sale~~
706 ~~price exceeds \$170,000, as determined by the Florida Housing~~
707 ~~Finance Corporation, and which is not designated as an area of~~
708 ~~critical state concern shall adopt a plan for ensuring affordable~~
709 ~~workforce housing. At a minimum, the plan shall identify adequate~~
710 ~~sites for such housing. For purposes of this sub-subparagraph,~~
711 ~~the term "workforce housing" means housing that is affordable to~~
712 ~~natural persons or families whose total household income does not~~
713 ~~exceed 140 percent of the area median income, adjusted for~~
714 ~~household size.~~

715 i. Use of renewable energy resources ~~Failure by a local~~
716 ~~government to comply with the requirement in sub-subparagraph h.~~
717 ~~will result in the local government being ineligible to receive~~
718 ~~any state housing assistance grants until the requirement of sub-~~
719 ~~subparagraph h. is met.~~

720
721 The goals, objectives, and policies of the housing element must
722 be based on the data and analysis prepared on housing needs,
723 including the affordable housing needs assessment. State and
724 federal housing plans prepared on behalf of the local government
725 must be consistent with the goals, objectives, and policies of

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726 the housing element. Local governments are encouraged to use
727 ~~utilize~~ job training, job creation, and economic solutions to
728 address a portion of their affordable housing concerns. By July
729 1, 2008, each county in which the gap between the buying power of
730 a family of four and the median county home sale price exceeds
731 \$170,000, as determined by the Florida Housing Finance
732 Corporation, and which is not designated as an area of critical
733 state concern, shall adopt a plan for ensuring affordable
734 workforce housing. At a minimum, the plan shall identify adequate
735 sites for such housing. For purposes of this subparagraph, the
736 term "workforce housing" means housing that is affordable to
737 natural persons or families whose total household income does not
738 exceed 140 percent of the area median income, adjusted for
739 household size. Failure by a local government to comply with this
740 requirement to adopt a plan for ensuring affordable workforce
741 housing will result in the local government being ineligible to
742 receive any state housing assistance grants until this
743 requirement is met.

744 2. To assist local governments in housing data collection
745 and analysis and assure uniform and consistent information
746 regarding the state's housing needs, the state land planning
747 agency shall conduct an affordable housing needs assessment for
748 all local jurisdictions on a schedule that coordinates the
749 implementation of the needs assessment with the evaluation and
750 appraisal reports required by s. 163.3191. Each local government
751 shall utilize the data and analysis from the needs assessment as
752 one basis for the housing element of its local comprehensive
753 plan. The agency shall allow a local government the option to
754 perform its own needs assessment, if it uses the methodology

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755 established by the agency by rule.

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

761 1. Traffic circulation, including major thoroughfares and
762 other routes, including bicycle and pedestrian ways.

763 2. All alternative modes of travel, such as public
764 transportation, pedestrian, and bicycle travel.

765 3. Parking facilities.

766 4. Aviation, rail, seaport facilities, access to those
767 facilities, and intermodal terminals.

768 5. The availability of facilities and services to serve
769 existing land uses and the compatibility between future land use
770 and transportation elements.

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

773 7. Airports, projected airport and aviation development,
774 and land use compatibility around airports.

775 8. An identification of land use densities, building
776 intensities, and transportation management programs to promote
777 public transportation systems in designated public transportation
778 corridors so as to encourage population densities sufficient to
779 support such systems.

780 9. May include transportation corridors, as defined in s.
781 334.03, intended for future transportation facilities designated
782 pursuant to s. 337.273. If transportation corridors are
783 designated, the local government may adopt a transportation

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784 corridor management ordinance.

785 10. The incorporation of transportation strategies to
786 address reduction in greenhouse gas emissions from the
787 transportation sector.

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

790 186.007 State comprehensive plan; preparation; revision.--

791 (3) In the state comprehensive plan, the Executive Office
792 of the Governor may include goals, objectives, and policies
793 related to the following program areas: economic opportunities;
794 agriculture; employment; public safety; education; energy; global
795 climate change; health concerns; social welfare concerns; housing
796 and community development; natural resources and environmental
797 management; recreational and cultural opportunities; historic
798 preservation; transportation; and governmental direction and
799 support services.

800 Section 6. Subsections (10), (11), and (15) of section
801 187.201, Florida Statutes, are amended to read:

802 187.201 State Comprehensive Plan adopted.--The Legislature
803 hereby adopts as the State Comprehensive Plan the following
804 specific goals and policies:

805 (10) AIR QUALITY.--

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

809 (b) Policies.--

810 1. Improve air quality and maintain the improved level to
811 safeguard human health and prevent damage to the natural
812 environment.

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

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

817 4. Encourage the use of alternative energy resources that
818 do not degrade air quality.

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

821 6. Encourage the development of low-carbon-emitting
822 electric power plants.

823 (11) ENERGY.--

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

829 (b) Policies.--

830 1. Continue to reduce per capita energy consumption.

831 2. Encourage and provide incentives for consumer and
832 producer energy conservation and establish acceptable energy
833 performance standards for buildings and energy consuming items.

834 3. Improve the efficiency of traffic flow on existing
835 roads.

836 4. Ensure energy efficiency in transportation design and
837 planning and increase the availability of more efficient modes of
838 transportation.

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

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842 6. Increase the efficient use of energy in design and
843 operation of buildings, public utility systems, and other
844 infrastructure and related equipment.

845 7. Promote the development and application of solar energy
846 technologies and passive solar design techniques.

847 8. Provide information on energy conservation through
848 active media campaigns.

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

851 10. Develop and maintain energy preparedness plans that
852 will be both practical and effective under circumstances of
853 disrupted energy supplies or unexpected price surges.

854 (15) LAND USE.--

855 (a) Goal.--In recognition of the importance of preserving
856 the natural resources and enhancing the quality of life of the
857 state, development shall be directed to those areas which have in
858 place, or have agreements to provide, the land and water
859 resources, fiscal abilities, and service capacity to accommodate
860 growth in an environmentally acceptable manner.

861 (b) Policies.--

862 1. Promote state programs, investments, and development and
863 redevelopment activities which encourage efficient development
864 and occur in areas which will have the capacity to service new
865 population and commerce.

866 2. Develop a system of incentives and disincentives which
867 encourages a separation of urban and rural land uses while
868 protecting water supplies, resource development, and fish and
869 wildlife habitats.

870 3. Enhance the livability and character of urban areas

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871 through the encouragement of an attractive and functional mix of
872 living, working, shopping, and recreational activities.

873 4. Develop a system of intergovernmental negotiation for
874 siting locally unpopular public and private land uses which
875 considers the area of population served, the impact on land
876 development patterns or important natural resources, and the
877 cost-effectiveness of service delivery.

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

881 6. Consider, in land use planning and regulation, the
882 impact of land use on water quality and quantity; the
883 availability of land, water, and other natural resources to meet
884 demands; and the potential for flooding.

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

887 8. Provide for the siting of low-carbon-emitting electric
888 power plants, including nuclear power plants, to meet the
889 state's determined need for electric power generation.

890 Section 7. Subsection (14) of section 196.012, Florida
891 Statutes, is amended to read:

892 196.012 Definitions.--For the purpose of this chapter, the
893 following terms are defined as follows, except where the context
894 clearly indicates otherwise:

895 (14) "Renewable energy source device" or "device" means any
896 of the following equipment which, when installed in connection
897 with a dwelling unit or other structure, collects, transmits,
898 stores, or uses solar energy, wind energy, or energy derived from
899 geothermal deposits:

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- 900 (a) Solar energy collectors.
- 901 (b) Storage tanks and other storage systems, excluding
902 swimming pools used as storage tanks.
- 903 (c) Rockbeds.
- 904 (d) Thermostats and other control devices.
- 905 (e) Heat exchange devices.
- 906 (f) Pumps and fans.
- 907 (g) Roof ponds.
- 908 (h) Freestanding thermal containers.
- 909 (i) Pipes, ducts, refrigerant handling systems, and other
910 equipment used to interconnect such systems; however,
911 conventional backup systems of any type are not included in this
912 definition.
- 913 (j) Windmills.
- 914 (k) Wind-driven generators.
- 915 (l) Power conditioning and storage devices that use wind
916 energy to generate electricity or mechanical forms of energy.
- 917 (m) Pipes and other equipment used to transmit hot
918 geothermal water to a dwelling or structure from a geothermal
919 deposit.
- 920
- 921 ~~"Renewable energy source device" or "device" also means any heat~~
922 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~
923 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~
924 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~
925 ~~water heating system the primary heat source of which is a~~
926 ~~dedicated heat pump or the otherwise unused capacity of a heat~~
927 ~~pump heating, ventilating, and air-conditioning system, provided~~
928 ~~such device is installed in a structure substantially complete~~

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929 ~~before January 1, 1985, and whether or not solar energy, wind~~
930 ~~energy, or energy derived from geothermal deposits is collected,~~
931 ~~transmitted, stored, or used by such device.~~

932 Section 8. Section 196.175, Florida Statutes, is amended to
933 read:

934 196.175 Renewable energy source exemption.--

935 (1) Improved real property upon which a renewable energy
936 source device is installed and operated shall be entitled to an
937 exemption not greater than the lesser of:

938 (a) The assessed value of such real property less any other
939 exemptions applicable under this chapter;

940 (b) The original cost of the device, including the
941 installation cost thereof, but excluding the cost of replacing
942 previously existing property removed or improved in the course of
943 such installation; or

944 (c) Eight percent of the assessed value of such property
945 immediately following installation.

946 (2) The exempt amount authorized under subsection (1) shall
947 apply in full if the device was installed and operative
948 throughout the 12-month period preceding January 1 of the year of
949 application for this exemption. If the device was operative for a
950 portion of that period, the exempt amount authorized under this
951 section shall be reduced proportionally.

952 (3) It shall be the responsibility of the applicant for an
953 exemption pursuant to this section to demonstrate affirmatively
954 to the satisfaction of the property appraiser that he or she
955 meets the requirements for exemption under this section and that
956 the original cost pursuant to paragraph (1)(b) and the period for
957 which the device was operative, as indicated on the exemption

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958 application, are correct.

959 (4) No exemption authorized pursuant to this section shall
960 be granted for a period of more than 10 years. No exemption shall
961 be granted with respect to renewable energy source devices
962 installed before January 1, 2009 ~~January 1, 1980, or after~~
963 ~~December 31, 1990.~~

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

966 206.43 Terminal supplier, importer, exporter, blender, and
967 wholesaler to report to department monthly; deduction.--The taxes
968 levied and assessed as provided in this part shall be paid to the
969 department monthly in the following manner:

970 (2) (a) Such report may show in detail the number of gallons
971 so sold and delivered by the terminal supplier, importer,
972 exporter, blender, or wholesaler in the state, and the
973 destination as to the county in the state to which the motor fuel
974 was delivered for resale at retail or use shall be specified in
975 the report. The total taxable gallons sold shall agree with the
976 total gallons reported to the county destinations for resale at
977 retail or use. All gallons of motor fuel sold shall be invoiced
978 and shall name the county of destination for resale at retail or
979 use.

980 (b) Each terminal supplier, importer, exporter, blender,
981 and wholesaler shall also include in the report to the department
982 the number of gallons of gasoline fuel meeting and not meeting
983 the requirements of s. 526.203.

984 Section 10. Paragraph (ccc) of subsection (7) of section
985 212.08, Florida Statutes, is amended to read:

986 212.08 Sales, rental, use, consumption, distribution, and

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987 storage tax; specified exemptions.--The sale at retail, the
988 rental, the use, the consumption, the distribution, and the
989 storage to be used or consumed in this state of the following are
990 hereby specifically exempt from the tax imposed by this chapter.

991 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
992 entity by this chapter do not inure to any transaction that is
993 otherwise taxable under this chapter when payment is made by a
994 representative or employee of the entity by any means, including,
995 but not limited to, cash, check, or credit card, even when that
996 representative or employee is subsequently reimbursed by the
997 entity. In addition, exemptions provided to any entity by this
998 subsection do not inure to any transaction that is otherwise
999 taxable under this chapter unless the entity has obtained a sales
1000 tax exemption certificate from the department or the entity
1001 obtains or provides other documentation as required by the
1002 department. Eligible purchases or leases made with such a
1003 certificate must be in strict compliance with this subsection and
1004 departmental rules, and any person who makes an exempt purchase
1005 with a certificate that is not in strict compliance with this
1006 subsection and the rules is liable for and shall pay the tax. The
1007 department may adopt rules to administer this subsection.

1008 (ccc) Equipment, machinery, and other materials for
1009 renewable energy technologies.--

1010 1. As used in this paragraph, the term:

1011 a. "Biodiesel" means the mono-alkyl esters of long-chain
1012 fatty acids derived from plant or animal matter for use as a
1013 source of energy and meeting the specifications for biodiesel and
1014 biodiesel blends with petroleum products as adopted by the
1015 Department of Agriculture and Consumer Services. Biodiesel may

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1016 refer to biodiesel blends designated BXX, where XX represents the
1017 volume percentage of biodiesel fuel in the blend.

1018 b. "Ethanol" means an ~~nominally~~ anhydrous denatured alcohol
1019 produced by the conversion of carbohydrates ~~fermentation of plant~~
1020 ~~sugars~~ meeting the specifications for fuel ethanol and fuel
1021 ethanol blends with petroleum products as adopted by the
1022 Department of Agriculture and Consumer Services. Ethanol may
1023 refer to fuel ethanol blends designated EXX, where XX represents
1024 the volume percentage of fuel ethanol in the blend.

1025 c. "Hydrogen fuel cells" means equipment using hydrogen or
1026 a hydrogen-rich fuel in an electrochemical process to generate
1027 energy, electricity, or the transfer of heat.

1028 d. "Wind energy" or "wind turbines" means rotary mechanical
1029 equipment that uses wind to produce at least 10kW of electrical
1030 energy.

1031 2. The sale or use of the following in the state is exempt
1032 from the tax imposed by this chapter:

1033 a. Hydrogen-powered vehicles, materials incorporated into
1034 hydrogen-powered vehicles, and hydrogen-fueling stations, up to a
1035 limit of \$2 million in tax each state fiscal year for all
1036 taxpayers.

1037 b. Commercial stationary hydrogen fuel cells, up to a limit
1038 of \$1 million in tax each state fiscal year for all taxpayers.

1039 c. Materials used in the distribution of biodiesel (B10-
1040 B100) and ethanol (E10-E100), including fueling infrastructure,
1041 transportation, and storage, up to a limit of \$1 million in tax
1042 each state fiscal year for all taxpayers. Gasoline fueling
1043 station pump retrofits for ethanol (E10-E100) distribution
1044 qualify for the exemption provided in this sub-subparagraph.

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1045 3. The Florida Energy and Climate Commission ~~Department of~~
1046 ~~Environmental Protection~~ shall provide to the department a list
1047 of items eligible for the exemption provided in this paragraph.

1048 4.a. The exemption provided in this paragraph shall be
1049 available to a purchaser only through a refund of previously paid
1050 taxes. Only the initial purchase of an eligible item from the
1051 manufacturer is subject to refund. A purchaser who has received a
1052 refund on an eligible item must notify any subsequent purchaser
1053 of the item that the item is no longer eligible for a refund of
1054 tax paid. This notification must be provided to the subsequent
1055 purchaser on the sales invoice or other proof of purchase.

1056 b. To be eligible to receive the exemption provided in this
1057 paragraph, a purchaser shall file an application with the
1058 commission ~~Department of Environmental Protection~~. The
1059 application shall be developed by the commission ~~Department of~~
1060 ~~Environmental Protection~~, in consultation with the department,
1061 and shall require:

1062 (I) The name and address of the person claiming the refund.

1063 (II) A specific description of the purchase for which a
1064 refund is sought, including, when applicable, a serial number or
1065 other permanent identification number.

1066 (III) The sales invoice or other proof of purchase showing
1067 the amount of sales tax paid, the date of purchase, and the name
1068 and address of the sales tax dealer from whom the property was
1069 purchased.

1070 (IV) A sworn statement that the information provided is
1071 accurate and that the requirements of this paragraph have been
1072 met.

1073 c. Within 30 days after receipt of an application, the

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1074 ~~commission~~ Department of Environmental Protection shall review
1075 the application and shall notify the applicant of any
1076 deficiencies. Upon receipt of a completed application, the
1077 ~~commission~~ Department of Environmental Protection shall evaluate
1078 the application for exemption and issue a written certification
1079 that the applicant is eligible for a refund or issue a written
1080 denial of such certification within 60 days after receipt of the
1081 application. The ~~commission~~ Department of Environmental
1082 Protection shall provide the department with a copy of each
1083 certification issued upon approval of an application.

1084 d. Each certified applicant shall be responsible for
1085 forwarding a certified copy of the application and copies of all
1086 required documentation to the department within 6 months after
1087 certification by the ~~commission~~ Department of Environmental
1088 Protection.

1089 e. ~~The provisions of s. 212.095 do not apply to any refund~~
1090 ~~application made pursuant to this paragraph.~~ A refund approved
1091 pursuant to this paragraph shall be made within 30 days after
1092 formal approval by the department.

1093 f. The commission may adopt the form for the application
1094 for a certificate, requirements for the content and format of
1095 information submitted to the commission in support of the
1096 application, other procedural requirements, and criteria by which
1097 the application will be determined by rule. The department may
1098 adopt all other rules pursuant to ss. 120.536(1) and 120.54 to
1099 administer this paragraph, including rules establishing
1100 additional forms and procedures for claiming this exemption.

1101 g. The ~~commission~~ Department of Environmental Protection
1102 shall be responsible for ensuring that the total amounts of the

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1103 exemptions authorized do not exceed the limits as specified in
1104 subparagraph 2.

1105 5. The commission ~~Department of Environmental Protection~~
1106 shall determine and publish on a regular basis the amount of
1107 sales tax funds remaining in each fiscal year.

1108 6. This paragraph expires July 1, 2010.

1109 Section 11. Subsection (1) of section 220.192, Florida
1110 Statutes, is amended, present subsection (6) of that section is
1111 renumbered as subsection (7) and amended, present subsection (7)
1112 of that section is renumbered as subsection (8), and a new
1113 subsection (6) is added to that section, to read:

1114 220.192 Renewable energy technologies investment tax
1115 credit.--

1116 (1) DEFINITIONS.--For purposes of this section, the term:

1117 (a) "Biodiesel" means biodiesel as defined in s.

1118 212.08(7)(ccc).

1119 (b) "Corporation" includes a general partnership, limited
1120 partnership, limited liability company, unincorporated business,
1121 or other business entity, including entities taxed as
1122 partnerships for federal income tax purposes.

1123 (c) ~~(b)~~ "Eligible costs" means:

1124 1. Seventy-five percent of all capital costs, operation and
1125 maintenance costs, and research and development costs incurred
1126 between July 1, 2006, and June 30, 2010, up to a limit of \$3
1127 million per state fiscal year for all taxpayers, in connection
1128 with an investment in hydrogen-powered vehicles and hydrogen
1129 vehicle fueling stations in the state, including, but not limited
1130 to, the costs of constructing, installing, and equipping such
1131 technologies in the state.

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1132 2. Seventy-five percent of all capital costs, operation and
1133 maintenance costs, and research and development costs incurred
1134 between July 1, 2006, and June 30, 2010, up to a limit of \$1.5
1135 million per state fiscal year for all taxpayers, and limited to a
1136 maximum of \$12,000 per fuel cell, in connection with an
1137 investment in commercial stationary hydrogen fuel cells in the
1138 state, including, but not limited to, the costs of constructing,
1139 installing, and equipping such technologies in the state.

1140 3. Seventy-five percent of all capital costs, operation and
1141 maintenance costs, and research and development costs incurred
1142 between July 1, 2006, and June 30, 2010, up to a limit of \$6.5
1143 million per state fiscal year for all taxpayers, in connection
1144 with an investment in the production, storage, and distribution
1145 of biodiesel (B10-B100) and ethanol (E10-E100) in the state,
1146 including the costs of constructing, installing, and equipping
1147 such technologies in the state. Gasoline fueling station pump
1148 retrofits for ethanol (E10-E100) distribution qualify as an
1149 eligible cost under this subparagraph.

1150 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
1151 212.08(7)(ccc).

1152 (e)~~(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
1153 defined in s. 212.08(7)(ccc).

1154 (f) "Wind energy" or "wind turbines" has the same meaning
1155 as in s. 212.08(7)(ccc).

1156 (g) "Taxpayer" includes corporations as defined in ss.
1157 220.03 or 220.192.

1158 (6) TRANSFERABILITY OF CREDIT.--

1159 (a) For tax years beginning on or after January 1, 2009,
1160 any corporation or subsequent transferee allowed a tax credit

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1161 under this section may transfer the credit, in whole or in part,
1162 to any taxpayer by written agreement without transferring any
1163 ownership interest in the property generating the credit or any
1164 interest in the entity owning such property. The transferee is
1165 entitled to apply the credits against the tax with the same
1166 effect as if the transferee had incurred the eligible costs.

1167 (b) To perfect the transfer, the transferor shall provide
1168 the department with a written transfer statement notifying the
1169 department of the transferor's intent to transfer the tax credits
1170 to the transferee; the date the transfer is effective; the
1171 transferee's name, address, and federal taxpayer identification
1172 number; the tax period; and the amount of tax credits to be
1173 transferred. The department shall, upon receipt of a transfer
1174 statement conforming to the requirements of this paragraph,
1175 provide the transferee with a certificate reflecting the tax
1176 credit amounts transferred. A copy of the certificate must be
1177 attached to each tax return for which the transferee seeks to
1178 apply such tax credits.

1179 (c) A tax credit authorized under this section which is
1180 held by a corporation and not transferred under this subsection
1181 shall be passed through to the taxpayers designated as partners,
1182 members, or owners, respectively, in the manner agreed to by such
1183 persons whether or not such partners, members, or owners are
1184 allocated or allowed any portion of the federal energy tax credit
1185 for the eligible costs. A corporation that passes through the
1186 credit to a partner, member, or owner must comply with the
1187 notification requirements described in s. 220.192(6)(b). The
1188 partner, member, or owner must attach a copy of the certification
1189 to each tax return on which the partner, member, or owner claims

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1190 any portion of the credit.

1191 (7) ~~(6)~~ RULES.--The Department of Revenue shall have the
1192 authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to
1193 administer this section, including rules relating to:

1194 (a) The forms required to claim a tax credit under this
1195 section, the requirements and basis for establishing an
1196 entitlement to a credit, and the examination and audit procedures
1197 required to administer this section.

1198 (b) The implementation and administration of the provisions
1199 allowing a transfer of a tax credit, including rules prescribing
1200 forms, reporting requirements, and specific procedures,
1201 guidelines, and requirements necessary to transfer a tax credit.

1202 Section 12. Paragraphs (f) and (g) are added to subsection
1203 (2), and paragraphs (j) and (k) are added to subsection (3) of
1204 section 220.193, Florida Statutes, to read:

1205 220.193 Florida renewable energy production credit.--

1206 (2) As used in this section, the term:

1207 (f) "Sale" or "sold" includes the use of electricity by the
1208 producer of such electricity which decreases the amount of
1209 electricity that the producer would otherwise have to purchase.

1210 (g) "Taxpayer" includes a general partnership, limited
1211 partnership, limited liability company, trust, or other
1212 artificial entity in which a corporation, as defined in s.
1213 220.03(1)(e), owns an interest and is taxed as a partnership or
1214 is disregarded as a separate entity from the corporation under
1215 chapter 220.

1216 (3) An annual credit against the tax imposed by this
1217 section shall be allowed to a taxpayer, based on the taxpayer's
1218 production and sale of electricity from a new or expanded Florida

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1219 renewable energy facility. For a new facility, the credit shall
1220 be based on the taxpayer's sale of the facility's entire
1221 electrical production. For an expanded facility, the credit shall
1222 be based on the increases in the facility's electrical production
1223 that are achieved after May 1, 2006.

1224 (j) When an entity treated as a partnership or a
1225 disregarded entity under this chapter produces and sells
1226 electricity from a new or expanded renewable energy facility, the
1227 credit earned by such entity shall pass through in the same
1228 manner as items of income and expense pass through for federal
1229 income tax purposes. When an entity applies for the credit and
1230 the entity has received the credit by a pass through, the
1231 application must identify the taxpayer that passed through the
1232 credit, all taxpayers that received the credit, the percentage of
1233 the credit, that passes through to each recipient, and provide
1234 other information that the department requires.

1235 (k) A taxpayer's use of the credit granted pursuant to this
1236 section does not reduce the amount of any credit available to
1237 such taxpayer under s. 220.186.

1238 Section 13. It is the intent of the Legislature that the
1239 amendments to s. 220.193, Florida Statutes; are remedial in
1240 nature and apply retroactively to the effective date of the law
1241 establishing the credit.

1242 Section 14. Subsection (2) of section 253.02, Florida
1243 Statutes, is amended to read:

1244 253.02 Board of trustees; powers and duties.--

1245 (2) (a) The board of trustees shall not sell, transfer, or
1246 otherwise dispose of any lands the title to which is vested in
1247 the board of trustees except by vote of at least three of the

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1248 four trustees.

1249 (b) The authority of the board of trustees to grant
1250 easements for rights-of-way over, across, and upon uplands the
1251 title of which is vested in the board of trustees for the
1252 construction and operation of electric transmission and
1253 distribution facilities and related appurtenances is hereby
1254 confirmed. The board of trustees may delegate to the Secretary
1255 of Environmental Protection the authority to grant such easements
1256 on its behalf. All easements for rights-of-way over, across, and
1257 upon uplands the title of which is vested in the board of
1258 trustees for the construction and operation of electrical
1259 transmission and distribution facilities and related
1260 appurtenances shall meet the following criteria:

1261 1. Such easements shall not prevent the use of the state-
1262 owned uplands adjacent to the easement area for the purposes for
1263 which such lands were acquired, and shall not unreasonably
1264 diminish the ecological, conservation or recreational values of
1265 the state-owned uplands adjacent to the easement area.

1266 2. There is no practical or prudent alternative to locating
1267 the linear facility and related appurtenances on state-owned
1268 upland. For purposes of this provision, the test of practicality
1269 and prudence shall compare the social, economic and environmental
1270 effects of the alternatives.

1271 3. Appropriate steps are taken to minimize the impacts to
1272 state-owned uplands. Such steps may include:

1273 a. Siting of facilities so as to reduce impacts and
1274 minimize fragmentation of the overall state-owned parcel;

1275 b. Avoiding significant wildlife habitat, wetlands, or
1276 other valuable natural resources to the maximum extent

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1277 practicable; or

1278 c. Avoiding interference with active land management
1279 practices, such as prescribed burning.

1280 4. Except for easements granted as a part of a land
1281 exchange initiated by a governmental entity to accomplish a
1282 recreational or conservation benefit, or other public purpose, in
1283 exchange for such easements, the grantee shall pay an amount
1284 equal to the market value of the interest acquired. In addition,
1285 for the initial grant of such easements only, the grantee shall
1286 provide additional compensation by vesting in the board of
1287 trustees fee simple title to other available uplands that are 1.5
1288 times the size of the easement acquired by the grantee. The
1289 grantor shall approve the property to be acquired on its behalf
1290 based on the geographic location in relation to the land proposed
1291 to be under easement and a determination that economic,
1292 ecological and recreational value is at least equivalent to the
1293 value of the lands under proposed easement. Priority for
1294 replacement uplands shall be given to parcels identified as in-
1295 holdings and additions to public lands and lands on a Florida
1296 Forever land acquisition list. However, if suitable replacement
1297 uplands cannot be identified, the grantee shall provide
1298 additional compensation for the initial grant of such easements
1299 only by paying to the department an amount equal to 2 times the
1300 current market value of the state-owned land or the highest and
1301 best use value at the time of purchase, whichever is greater.
1302 When determining the use of such funds, priority shall be given
1303 to parcels identified as in-holdings and additions to public
1304 lands and lands on a Florida Forever land acquisition list.

1305 Section 15. Subsection (14) is added to section 253.034,

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1306 Florida Statutes, to read:

1307 253.034 State-owned lands; uses.--

1308 (14) (a) If a public utility, regional transmission
1309 organization, or natural gas company presents competent and
1310 substantial evidence that its use of nonsovereignty state-owned
1311 lands is reasonable based upon a consideration of economic and
1312 environmental factors, including an assessment of practicable
1313 alternative alignments and assurance that the lands will remain
1314 in their predominantly natural condition, the public utility,
1315 regional transmission organization, or natural gas company may be
1316 granted fee simple title, easements, or other interests in
1317 nonsovereignty state-owned lands title to which is vested in the
1318 board of trustees, a water management district, or any other
1319 agency in the state for:

1320 1. Electric transmission and distribution lines;

1321 2. Natural gas pipelines; or

1322 3. Other linear facilities for which the Public Service
1323 Commission has determined a need exists or the Federal Energy
1324 Regulatory Commission has issued a Certificate of Public
1325 Convenience and Necessity.

1326 (b) In exchange for less than a fee simple interest
1327 acquired pursuant to this subsection, the grantee shall pay an
1328 amount equal to the fair market value of the interest acquired.
1329 In addition, for the initial grant of such interests only, the
1330 grantee shall also vest in the grantor a fee simple interest to
1331 other available land that is 1.5 times the size of the land
1332 acquired by the grantee. The grantor shall approve the property
1333 to be acquired on its behalf based on the geographic location in
1334 relation to the land relinquished by the grantor agency and a

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1335 determination that the economic, ecological, and recreational
1336 value is at least equivalent to that of the property transferred
1337 to the public utility, regional transmission organization, or
1338 natural gas company.

1339 (c) In exchange for a fee simple interest acquired pursuant
1340 to this subsection, the grantee shall pay an amount equal to the
1341 fair market value of the interest acquired. In addition, for the
1342 initial grant of such interests only, the grantee shall also vest
1343 in the grantor a fee simple title to other available land that is
1344 two times the size of the land acquired by the grantee. The
1345 grantor shall approve the land to be acquired on its behalf based
1346 on the geographic location in relation to the land relinquished
1347 by the grantor agency and a determination that the economic and
1348 ecological or recreational value is at least equivalent to that
1349 of the property transferred to the public utility, regional
1350 transmission organization, or natural gas company.

1351 (d) As an alternative to the consideration provided for in
1352 paragraphs (b) and (c), the grantee may, subject to the grantor's
1353 approval, pay the fair market value of the state-owned land plus
1354 one-half of the cost differential between the cost of
1355 constructing the facility on state-owned land and the cost of
1356 avoiding state-owned lands, up to a maximum of twice the fair
1357 market value of the land acquired by the grantee. The grantor may
1358 use these moneys to acquire fee simple or less than fee simple
1359 interest in other available land.

1360 Section 16. Paragraph (d) of subsection (3) of section
1361 255.249, Florida Statutes, is amended to read:

1362 255.249 Department of Management Services; responsibility;
1363 department rules.--

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1364 (3)

1365 (d) By June 30 of each year, each state agency shall
1366 annually provide to the department all information regarding
1367 agency programs affecting the need for or use of space by that
1368 agency, reviews of lease-expiration schedules for each geographic
1369 area, active and planned full-time equivalent data, business case
1370 analyses related to consolidation plans by an agency,
1371 telecommuting plans, and current occupancy and relocation costs,
1372 inclusive of furnishings, fixtures and equipment, data, and
1373 communications.

1374 Section 17. Section 255.251, Florida Statutes, is amended
1375 to read:

1376 255.251 Energy Conservation and Sustainable in Buildings
1377 Act; short title.--Sections 255.251-255.258 may ~~This act shall~~ be
1378 cited as the "Florida Energy Conservation and Sustainable in
1379 Buildings Act ~~of 1974.~~"

1380 Section 18. Section 255.252, Florida Statutes, is amended
1381 to read:

1382 255.252 Findings and intent.--

1383 (1) Operating and maintenance expenditures associated with
1384 energy equipment and with energy consumed in state-financed and
1385 leased buildings represent a significant cost over the life of a
1386 building. Energy conserved by appropriate building design not
1387 only reduces the demand for energy but also reduces costs for
1388 building operation. ~~For example, commercial buildings are~~
1389 ~~estimated to use from 20 to 80 percent more energy than would be~~
1390 ~~required if energy-conserving designs were used.~~ The size,
1391 design, orientation, and operability of windows, the ratio of
1392 ventilating air to air heated or cooled, the level of lighting

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1393 consonant with space-use requirements, the handling of occupancy
1394 loads, and the ability to zone off areas not requiring equivalent
1395 levels of heating or cooling are but a few of the considerations
1396 necessary to conserving energy.

1397 (2) Significant efforts are needed to build energy-
1398 efficient state-owned buildings that meet environmental standards
1399 and underway by the General Services Administration, the National
1400 Institute of Standards and Technology, and others to detail the
1401 considerations and practices for energy conservation in
1402 buildings. Most important is that energy-efficient designs
1403 provide energy savings over the life of the building structure.
1404 Conversely, energy-inefficient designs cause excess and wasteful
1405 energy use and high costs over that life. With buildings lasting
1406 many decades and with energy costs escalating rapidly, it is
1407 essential that the costs of operation and maintenance for energy-
1408 using equipment and sustainable materials be included in all
1409 design proposals for state-owned ~~state~~ buildings.

1410 (3) In order that such energy-efficiency and sustainable
1411 material considerations become a function of building design, and
1412 also a model for future application in the private sector, it
1413 shall be the policy of the state that buildings constructed and
1414 financed by the state be designed and constructed to meet the
1415 United States Green Building Council (USGBC) Leadership in Energy
1416 and Environmental Design (LEED) rating system, the Green Building
1417 Initiative's Green Globes rating system, or the Florida Green
1418 Building Coalition standards, or a nationally recognized high-
1419 performance green building rating system as approved by the
1420 department ~~in a manner which will minimize the consumption of~~
1421 ~~energy used in the operation and maintenance of such buildings.~~

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1422 It is further the policy of the state, when economically
1423 feasible, to retrofit existing state-owned buildings in a manner
1424 that ~~which~~ will minimize the consumption of energy used in the
1425 operation and maintenance of such buildings.

1426 (4) In addition to designing and constructing new buildings
1427 to be energy-efficient, it shall be the policy of the state to
1428 operate and, ~~maintain, and renovate existing~~ state facilities, ~~or~~
1429 ~~provide for their renovation,~~ in a manner that ~~which~~ will
1430 minimize energy consumption and maximize building sustainability
1431 as well as ensure that facilities leased by the state are
1432 operated so as to minimize energy use. It is further the policy
1433 of this state that the renovation of existing state facilities be
1434 in accordance with the United States Green Building Council's
1435 Leadership in Energy and Environmental Design (LEED) rating
1436 system, the Green Building Initiative's Green Globes rating
1437 system, the Florida Green Building Coalition standards, or a
1438 nationally recognized high-performance green building rating
1439 system as approved by the department. State agencies are
1440 encouraged to consider shared savings financing of such energy
1441 efficiency and conservation projects, using contracts which split
1442 the resulting savings for a specified period of time between the
1443 state agency and the private firm or cogeneration contracts that
1444 ~~which~~ otherwise permit the state to lower its net energy costs.
1445 Such energy contracts may be funded from the operating budget.

1446 (5) Each state agency occupying space within buildings
1447 owned or managed by the Department of Management Services must
1448 identify and compile a list of projects determined to be suitable
1449 for a guaranteed energy, water, and wastewater performance
1450 savings contract pursuant to s. 489.145. The list of projects

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1451 compiled by each state agency shall be submitted to the
1452 Department of Management Services by December 31, 2008, and must
1453 include all criteria used to determine suitability. The list of
1454 projects shall be developed from the list of state-owned
1455 facilities greater than 5,000 square feet in area and for which
1456 the state agency is responsible for paying the expenses of
1457 utilities and other operating expenses as they relate to energy
1458 use. In consultation with each state agency executive officer, by
1459 July 1, 2009, the department shall prioritize all projects deemed
1460 suitable by each state agency and shall develop an energy-
1461 efficiency project schedule based on factors such as project
1462 magnitude, efficiency and effectiveness of energy conservation
1463 measures to be implemented, and other factors that may prove to
1464 be advantageous to pursue. The schedule shall provide the
1465 deadline for guaranteed energy, water, and wastewater performance
1466 savings contract improvements to be made to the state-owned
1467 buildings.

1468 Section 19. Section 255.253, Florida Statutes, is amended
1469 to read:

1470 255.253 Definitions; ss. 255.251-255.258.--

1471 (1) "Department" means the Department of Management
1472 Services.

1473 (2) "Facility" means a building or other structure.

1474 (3) "Energy performance index or indices" (EPI) means a
1475 number describing the energy requirements at the building
1476 boundary of a facility, per square foot of floor space or per
1477 cubic foot of occupied volume, as appropriate under defined
1478 internal and external ambient conditions over an entire seasonal
1479 cycle. As experience develops on the energy performance achieved

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1480 with state building, the indices (EPI) will serve as a measure of
1481 building performance with respect to energy consumption.

1482 (4) "Life-cycle costs" means the cost of owning, operating,
1483 and maintaining the facility over the life of the structure. This
1484 may be expressed as an annual cost for each year of the
1485 facility's use.

1486 (5) "Shared savings financing" means the financing of
1487 energy conservation measures and maintenance services through a
1488 private firm which may own any purchased equipment for the
1489 duration of a contract, which may ~~shall~~ not exceed 10 years
1490 unless so authorized by the department. The ~~Such~~ contract shall
1491 specify that the private firm will be recompensed either out of a
1492 negotiated portion of the savings resulting from the conservation
1493 measures and maintenance services provided by the private firm
1494 or, in the case of a cogeneration project, through the payment of
1495 a rate for energy lower than would otherwise have been paid for
1496 the same energy from current sources.

1497 (6) "Sustainable building" means a building that is healthy
1498 and comfortable for its occupants and is economical to operate
1499 while conserving resources, including energy, water, raw
1500 materials, and land, and minimizing the generation and use of
1501 toxic materials and waste in its design, construction,
1502 landscaping, and operation.

1503 (7) "Sustainable building rating" means a rating
1504 established by the United States Green Building Council (USGBC)
1505 Leadership in Energy and Environmental Design (LEED) rating
1506 system, the Green Building Initiative's Green Globes rating
1507 system, or the Florida Green Building Coalition standards.

1508 Section 20. Subsection (1) of section 255.254, Florida

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1509 Statutes, is amended to read:

1510 255.254 No facility constructed or leased without life-
1511 cycle costs.--

1512 (1) A ~~No~~ state agency may not shall lease, construct, or
1513 have constructed, within limits prescribed herein, a facility
1514 without having secured from the department an a proper evaluation
1515 of life-cycle costs based on sustainable building ratings, ~~as~~
1516 ~~computed by an architect or engineer.~~ Furthermore, construction
1517 shall proceed only upon disclosing to the department, for the
1518 facility chosen, the life-cycle costs as determined in s.
1519 255.255, its sustainable building rating goal, and the
1520 capitalization of the initial construction costs of the building.
1521 The life-cycle costs and the sustainable building rating goal
1522 shall be a primary considerations ~~consideration~~ in the selection
1523 of a building design. ~~Such analysis shall be required only for~~
1524 ~~construction of buildings with an area of 5,000 square feet or~~
1525 ~~greater.~~ For leased buildings 5,000 square feet areas of 20,000
1526 ~~square feet~~ or greater within a given building boundary, an
1527 energy performance a life-cycle analysis consisting of a
1528 projection of the annual energy consumption costs in dollars per
1529 square foot of major energy-consuming equipment and systems based
1530 on actual expenses, from the last 3 years, and projected forward
1531 for the term of the proposed lease shall be performed. ~~The, and a~~
1532 lease shall ~~only~~ be made only where there is a showing that the
1533 energy life-cycle costs incurred by the state are minimal
1534 compared to available like facilities. Any building leased by the
1535 state from a private-sector entity shall include, as a part of
1536 the lease, provisions for monthly energy-use data to be collected
1537 and submitted monthly to the department by the owner of the

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1538 building.

1539 Section 21. Subsection (1) of section 255.255, Florida
1540 Statutes, is amended to read:

1541 255.255 Life-cycle costs.--

1542 (1) The department shall adopt ~~promulgate~~ rules and
1543 procedures, including energy conservation performance guidelines,
1544 based on sustainable building ratings, for conducting a life-
1545 cycle cost analysis of alternative architectural and engineering
1546 designs and alternative major items of energy-consuming equipment
1547 to be retrofitted in existing state-owned or leased facilities
1548 and for developing energy performance indices to evaluate the
1549 efficiency of energy utilization for competing designs in the
1550 construction of state-financed ~~and leased~~ facilities.

1551 Section 22. Section 255.257, Florida Statutes, is amended
1552 to read:

1553 255.257 Energy management; buildings occupied by state
1554 agencies.--

1555 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
1556 shall collect data on energy consumption and cost. The data
1557 gathered shall be on state-owned facilities and metered state-
1558 leased facilities of 5,000 net square feet or more. These data
1559 will be used in the computation of the effectiveness of the state
1560 energy management plan and the effectiveness of the energy
1561 management program of each of the state agencies. Collected data
1562 shall be reported annually to the department in a format
1563 prescribed by the department.

1564 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency, the
1565 Florida Public Service Commission, the Department of Military
1566 Affairs, and the judicial branch shall appoint a coordinator

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1567 whose responsibility shall be to advise the head of the state
1568 agency on matters relating to energy consumption in facilities
1569 under the control of that head or in space occupied by the
1570 various units comprising that state agency, in vehicles operated
1571 by that state agency, and in other energy-consuming activities of
1572 the state agency. The coordinator shall implement the energy
1573 management program agreed upon by the state agency concerned and
1574 assist the department in the development of the State Energy
1575 Management Plan.

1576 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
1577 Department of Management Services shall ~~may~~ develop a state
1578 energy management plan consisting of, but not limited to, the
1579 following elements:

- 1580 (a) Data-gathering requirements;
- 1581 (b) Building energy audit procedures;
- 1582 (c) Uniform data analysis procedures;
- 1583 (d) Employee energy education program measures;
- 1584 (e) Energy consumption reduction techniques;
- 1585 (f) Training program for state agency energy management
1586 coordinators; and
- 1587 (g) Guidelines for building managers.

1588
1589 The plan shall include a description of actions to be taken by
1590 all state agencies to reduce consumption of electricity and
1591 nonrenewable energy sources used for space heating and cooling,
1592 ventilation, lighting, water heating, and transportation.

1593 (4) All state agencies shall adopt the United States Green
1594 Building Council's Leadership in Energy and Environmental Design
1595 (LEED) rating system, the Green Building Initiative's Green

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1596 Globes rating system, or the Florida Green Building Coalition
1597 standards.

1598 (5) A state agency may not enter into new leasing
1599 agreements for office space that does not meet Energy Star
1600 building standards unless the appropriate state government entity
1601 executive determines that no other viable or cost-effective
1602 alternative exists.

1603 (6) All state agencies shall develop energy-conservation
1604 measures and guidelines for new and existing office space where
1605 state agencies occupy more than 5,000 square feet. These
1606 conservation measures shall focus on programs that may reduce
1607 energy consumption and, when established, will provide a net
1608 reduction in occupancy costs.

1609 Section 23. Section 286.275, Florida Statutes, is created
1610 to read:

1611 286.275 Climate friendly public business.--The Legislature
1612 recognizes the importance of leadership by state government in
1613 the area of energy efficiency and in reducing the greenhouse gas
1614 emissions of state government operations. The following shall
1615 pertain to all state government entities, as defined in this
1616 section, when conducting public business:

1617 (1) The Department of Management Services shall develop the
1618 Florida Climate Friendly Preferred Products List. In maintaining
1619 that list, the department, in consultation with the Department of
1620 Environmental Protection, shall continually assess products that
1621 are currently available for purchase under state term contracts
1622 and identify specific products and vendors that provide clear
1623 energy efficiency or other environmental benefits over competing
1624 products. When procuring products from state term contracts,

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1625 state agencies shall first consult the Florida Climate Friendly
1626 Preferred Products List and procure such products if the price is
1627 comparable.

1628 (2) Effective July 1, 2008, state agencies shall contract
1629 for meeting and conference space only with hotels or conference
1630 facilities that have received the "Green Lodging" designation
1631 from the Department of Environmental Protection for best
1632 practices in water, energy, and waste-efficiency standards,
1633 unless the responsible state agency's chief executive officer
1634 makes a determination that no other viable alternative exists.
1635 The Department of Environmental Protection is authorized to adopt
1636 rules to implement the "Green Lodging" program.

1637 (3) The Department of Environmental Protection may
1638 establish voluntary technical assistance programs in accordance
1639 with s. 403.074. Such programs may include the Clean Marinas,
1640 Clean Boatyards, Clean Retailers, Clean Boaters, and Green Yards
1641 Programs. The programs may include certifications, designations,
1642 or other forms of recognition. The department may implement some
1643 or all of these programs through rulemaking; however, the rules
1644 may not impose requirements on a person who does not wish to
1645 participate in a program. Each state agency shall patronize
1646 businesses that have received such certifications or designations
1647 to the greatest extent practicable.

1648 (4) Each state agency shall ensure that all maintained
1649 vehicles meet minimum maintenance schedules shown to reduce fuel
1650 consumption, which include ensuring appropriate tire pressures
1651 and tread depth, replacing fuel filters and emission filters at
1652 recommended intervals, using proper motor oils, and performing
1653 timely motor maintenance. Each state agency shall measure and

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1654 report compliance to the Department of Management Services
1655 through the Equipment Management Information System database.

1656 (5) When procuring a vehicle, state agencies shall first
1657 define the intended purpose of the vehicle and determine for
1658 which of the following use classes the vehicle is being procured:

1659 (a) State business travel, designated operator;

1660 (b) State business travel, pool operators;

1661 (c) Construction, agricultural or maintenance work;

1662 (d) Conveyance of passengers;

1663 (e) Conveyance of building or maintenance materials and
1664 supplies;

1665 (f) Off-road vehicles, motorcycles, and all-terrain
1666 vehicles;

1667 (g) Emergency response; or

1668 (h) Other.

1669
1670 Vehicles in paragraphs (a) through (h), when being processed for
1671 purchase or leasing agreements, must be selected for the greatest
1672 fuel efficiency available for a given use class when fuel-economy
1673 data are available. Exceptions may be made for certain individual
1674 vehicles in subparagraph 7., when accompanied, during the
1675 procurement process, by documentation indicating that the
1676 operator or operators will exclusively be emergency first
1677 responders or have special documented need for exceptional
1678 vehicle performance characteristics. Any request for an exception
1679 must be approved by the purchasing agency's chief executive
1680 officer and any exceptional performance characteristics denoted
1681 as a part of the procurement process prior to purchase.

1682 (6) All state agencies shall use ethanol and biodiesel-

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1683 blended fuels, when available. State agencies administering
1684 central fueling operations for state-owned vehicles shall procure
1685 biofuels for fleet needs to the greatest extent practicable.

1686 Section 24. Paragraph (b) of subsection (2) and subsection
1687 (5) of section 287.063, Florida Statutes, are amended to read:

1688 287.063 Deferred-payment commodity contracts; preaudit
1689 review.--

1690 (2)

1691 (b) The Chief Financial Officer shall establish, by rule,
1692 criteria for approving purchases made under deferred-payment
1693 contracts which require the payment of interest. Criteria shall
1694 include, but not be limited to, the following provisions:

1695 1. No contract shall be approved in which interest exceeds
1696 the statutory ceiling contained in this section. However, the
1697 interest component of any master equipment financing agreement
1698 entered into for the purpose of consolidated financing of a
1699 deferred-payment, installment sale, or lease-purchase shall be
1700 deemed to comply with the interest rate limitation of this
1701 section so long as the interest component of every interagency
1702 agreement under such master equipment financing agreement
1703 complies with the interest rate limitation of this section.

1704 2. No deferred-payment purchase for less than \$30,000 shall
1705 be approved, unless it can be satisfactorily demonstrated and
1706 documented to the Chief Financial Officer that failure to make
1707 such deferred-payment purchase would adversely affect an agency
1708 in the performance of its duties. However, the Chief Financial
1709 Officer may approve any deferred-payment purchase if the Chief
1710 Financial Officer determines that such purchase is economically
1711 beneficial to the state.

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1712 ~~3. No agency shall obligate an annualized amount of~~
1713 ~~payments for deferred-payment purchases in excess of current~~
1714 ~~operating capital outlay appropriations, unless specifically~~
1715 ~~authorized by law or unless it can be satisfactorily demonstrated~~
1716 ~~and documented to the Chief Financial Officer that failure to~~
1717 ~~make such deferred-payment purchase would adversely affect an~~
1718 ~~agency in the performance of its duties.~~

1719 3.4. No contract shall be approved which extends payment
1720 beyond 5 years, unless it can be satisfactorily demonstrated and
1721 documented to the Chief Financial Officer that failure to make
1722 such deferred-payment purchase would adversely affect an agency
1723 in the performance of its duties. The payment term may not exceed
1724 the useful life of the equipment unless the contract provides for
1725 the replacement or the extension of the useful life of the
1726 equipment during the term of the loan.

1727 (5) For purposes of this section, the annualized amount of
1728 any such deferred payment commodity contract must be supported
1729 from available recurring funds appropriated to the agency in an
1730 appropriation category, ~~other than the expense appropriation~~
1731 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
1732 Financial Officer has determined is appropriate or that the
1733 Legislature has designated for payment of the obligation incurred
1734 under this section.

1735 Section 25. Subsections (10) and (11) of section 287.064,
1736 Florida Statutes, are amended to read:

1737 287.064 Consolidated financing of deferred-payment
1738 purchases.--

1739 (10) (a) A master equipment financing agreement may finance
1740 the cost of energy, water, or wastewater efficiency and

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1741 conservation measures, as defined in s. 489.145, excluding the
1742 costs of training, operation, and maintenance, for a term of
1743 repayment that may exceed 5 years but not more than 20 years.

1744 (b) The guaranteed energy, water, and wastewater savings
1745 contractor shall provide for the replacement or the extension of
1746 the useful life of the equipment during the term of the contract.
1747 ~~Costs incurred pursuant to a guaranteed energy performance~~
1748 ~~savings contract, including the cost of energy conservation~~
1749 ~~measures, each as defined in s. 489.145, may be financed pursuant~~
1750 ~~to a master equipment financing agreement; however, the costs of~~
1751 ~~training, operation, and maintenance may not be financed. The~~
1752 ~~period of time for repayment of the funds drawn pursuant to the~~
1753 ~~master equipment financing agreement under this subsection may~~
1754 ~~exceed 5 years but may not exceed 10 years.~~

1755 (11) For purposes of consolidated financing of deferred
1756 payment commodity contracts under this section by a state agency,
1757 the annualized amount of any such contract must be supported from
1758 available recurring funds appropriated to the agency in an
1759 appropriation category, other than the expense appropriation
1760 category as defined in chapter 216, which that the Chief
1761 Financial Officer has determined is appropriate or which that the
1762 Legislature has designated for payment of the obligation incurred
1763 under this section.

1764 Section 26. Subsection (12) is added to section 287.16,
1765 Florida Statutes, to read:

1766 287.16 Powers and duties of department.--The Department of
1767 Management Services shall have the following powers, duties, and
1768 responsibilities:

1769 (12) To conduct, in coordination with the Department of

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1770 Transportation, an analysis of ethanol and biodiesel use by the
1771 Department of Transportation through its central fueling
1772 facilities. The Department of Management Services shall encourage
1773 other state government entities to analyze transportation fuel
1774 usage, including the different types and percentages of fuels
1775 consumed, and report such information to the department.

1776 Section 27. Present paragraphs (a) through (n) of
1777 subsection (2) of section 288.1089, Florida Statutes, are
1778 redesignated as paragraphs (b) through (o), respectively, and a
1779 new paragraph (a) is added to that subsection, subsection (3) of
1780 that section is amended, and paragraph (d) is added to subsection
1781 (4) of that section, to read:

1782 288.1089 Innovation Incentive Program.--

1783 (2) As used in this section, the term:

1784 (a) "Alternative and renewable energy" means electrical,
1785 mechanical, or thermal energy produced from a method that uses
1786 one or more of the following fuels or energy sources: ethanol,
1787 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
1788 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
1789 or geothermal.

1790 (3) To be eligible for consideration for an innovation
1791 incentive award, an innovation business, ~~or~~ research and
1792 development entity, or alternative and renewable energy project
1793 must submit a written application to Enterprise Florida, Inc.,
1794 before making a decision to locate new operations in this state
1795 or expand an existing operation in this state. The application
1796 must include, but not be limited to:

1797 (a) The applicant's federal employer identification number,
1798 unemployment account number, and state sales tax registration

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1799 number. If such numbers are not available at the time of
1800 application, they must be submitted to the office in writing
1801 prior to the disbursement of any payments under this section.

1802 (b) The location in this state at which the project is
1803 located or is to be located.

1804 (c) A description of the type of business activity,
1805 product, or research and development undertaken by the applicant,
1806 including six-digit North American Industry Classification System
1807 codes for all activities included in the project.

1808 (d) The applicant's projected investment in the project.

1809 (e) The total investment, from all sources, in the project.

1810 (f) The number of net new full-time equivalent jobs in this
1811 state the applicant anticipates having created as of December 31
1812 of each year in the project and the average annual wage of such
1813 jobs.

1814 (g) The total number of full-time equivalent employees
1815 currently employed by the applicant in this state, if applicable.

1816 (h) The anticipated commencement date of the project.

1817 (i) A detailed explanation of why the innovation incentive
1818 is needed to induce the applicant to expand or locate in the
1819 state and whether an award would cause the applicant to locate or
1820 expand in this state.

1821 (j) If applicable, an estimate of the proportion of the
1822 revenues resulting from the project that will be generated
1823 outside this state.

1824 (4) To qualify for review by the office, the applicant
1825 must, at a minimum, establish the following to the satisfaction
1826 of Enterprise Florida, Inc., and the office:

1827 (d) For an alternative and renewable energy project in this

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- 1828 state, the project must:
- 1829 1. Demonstrate a plan for significant collaboration with an
- 1830 institution of higher education;
- 1831 2. Provide the state, at a minimum, a break-even return on
- 1832 investment within a 20-year period;
- 1833 3. Include matching funds provided by the applicant or
- 1834 other available sources. This requirement may be waived if the
- 1835 office and the department determine that the merits of the
- 1836 individual project or the specific circumstances warrant such
- 1837 action;
- 1838 4. Be located in this state;
- 1839 5. Provide jobs that pay an estimated annual average wage
- 1840 that equals at least 130 percent of the average private-sector
- 1841 wage. The average wage requirement may be waived if the office
- 1842 and the commission determine that the merits of the individual
- 1843 project or the specific circumstances warrant such action; and
- 1844 6. Meet one of the following criteria:
- 1845 a. Result in the creation of at least 35 direct, new jobs
- 1846 at the business.
- 1847 b. Have an activity or product that uses feedstock or other
- 1848 raw materials grown or produced in this state.
- 1849 c. Have a cumulative investment of at least \$50 million
- 1850 within a 5-year period.
- 1851 d. Address the technical feasibility of the technology, and
- 1852 the extent to which the proposed project has been demonstrated to
- 1853 be technically feasible based on pilot project demonstrations,
- 1854 laboratory testing, scientific modeling, or engineering or
- 1855 chemical theory that supports the proposal.
- 1856 e. Include innovative technology and the degree to which

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1857 the project or business incorporates an innovative new technology
1858 or an innovative application of an existing technology.

1859 f. Include production potential and the degree to which a
1860 project or business generates thermal, mechanical, or electrical
1861 energy by means of a renewable energy resource that has
1862 substantial long-term production potential. The project must, to
1863 the extent possible, quantify annual production potential in
1864 megawatts or kilowatts.

1865 g. Include and address energy efficiency and the degree to
1866 which a project demonstrates efficient use of energy, water, and
1867 material resources.

1868 h. Include project management and the ability of management
1869 to administer a complete the business project.

1870 Section 28. Subsection (1) of section 337.401, Florida
1871 Statutes, is amended to read:

1872 337.401 Use of right-of-way for utilities subject to
1873 regulation; permit; fees.--

1874 (1) The department and local governmental entities,
1875 referred to in ss. 337.401-337.404 as the "authority," that have
1876 jurisdiction and control of public roads or publicly owned rail
1877 corridors are authorized to prescribe and enforce reasonable
1878 rules or regulations with reference to the placing and
1879 maintaining along, across, or on any road or publicly owned rail
1880 corridors under their respective jurisdictions any electric
1881 transmission, telephone, telegraph, or other communications
1882 services lines; pole lines; poles; railways; ditches; sewers;
1883 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1884 pumps; or other structures ~~hereinafter~~ referred to in this
1885 section as the "utility." For aerial and underground electric

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1886 utility transmission lines designed to operate at 69 kV or more
1887 which are needed to accommodate the additional electrical
1888 transfer capacity on the transmission grid resulting from new
1889 base-load generating facilities, where there is no other
1890 practicable alternative available for placement of the electric
1891 utility transmission lines on the department's rights-of-way, the
1892 department's rules shall provide for placement of and access to
1893 such transmission lines adjacent to and within the right-of-way
1894 of any department-controlled public roads, including
1895 longitudinally within limited access facilities to the greatest
1896 extent allowed by federal law, if compliance with the standards
1897 established by such rules is achieved. Such rules may include,
1898 but need not be limited to, that the use of the right-of-way is
1899 reasonable based upon a consideration of economic and
1900 environmental factors, including, without limitation, other
1901 practicable alternative alignments, utility corridors and
1902 easements, minimum clear zones and other safety standards, and
1903 further provide that placement of the electric utility
1904 transmission lines within the department's right-of-way does not
1905 interfere with operational requirements of the transportation
1906 facility or planned or potential future expansion of such
1907 transportation facility. If the department approves longitudinal
1908 placement of electric utility transmission lines in limited
1909 access facilities, compensation for the use of the right-of-way
1910 is required. Such consideration or compensation paid by the
1911 electric utility in connection with the department's issuance of
1912 a permit does not create any property right in the department's
1913 property regardless of the amount of consideration paid or the
1914 improvements constructed on the property by the utility. Upon

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1915 notice by the department that the property is needed for
1916 expansion or improvement of the transportation facility, the
1917 electric utility transmission line will relocate from the
1918 facility at the electric utility's sole expense. The electric
1919 utility shall pay to the department reasonable damages resulting
1920 from the utility's failure or refusal to timely relocate its
1921 transmission lines. The rules to be adopted by the department
1922 may also address the compensation methodology and relocation. As
1923 used in this subsection, the term "base load generating
1924 facilities" means electrical power plants that are certified
1925 under part II of chapter 403. The department may enter into a
1926 permit-delegation agreement with a governmental entity if
1927 issuance of a permit is based on requirements that the department
1928 finds will ensure the safety and integrity of facilities of the
1929 Department of Transportation; however, the permit-delegation
1930 agreement does not apply to facilities of electric utilities as
1931 defined in s. 366.02(2).

1932 Section 29. Subsections (1) and (7) of section 339.175,
1933 Florida Statutes, are amended to read:

1934 339.175 Metropolitan planning organization.--

1935 (1) PURPOSE.--It is the intent of the Legislature to
1936 encourage and promote the safe and efficient management,
1937 operation, and development of surface transportation systems that
1938 will serve the mobility needs of people and freight and foster
1939 economic growth and development within and through urbanized
1940 areas of this state while minimizing transportation-related fuel
1941 consumption, ~~and~~ air pollution, and greenhouse gas emissions
1942 through metropolitan transportation planning processes identified
1943 in this section. To accomplish these objectives, metropolitan

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1944 planning organizations, referred to in this section as M.P.O.'s,
1945 shall develop, in cooperation with the state and public transit
1946 operators, transportation plans and programs for metropolitan
1947 areas. The plans and programs for each metropolitan area must
1948 provide for the development and integrated management and
1949 operation of transportation systems and facilities, including
1950 pedestrian walkways and bicycle transportation facilities that
1951 will function as an intermodal transportation system for the
1952 metropolitan area, based upon the prevailing principles provided
1953 in s. 334.046(1). The process for developing such plans and
1954 programs shall provide for consideration of all modes of
1955 transportation and shall be continuing, cooperative, and
1956 comprehensive, to the degree appropriate, based on the complexity
1957 of the transportation problems to be addressed. To ensure that
1958 the process is integrated with the statewide planning process,
1959 M.P.O.'s shall develop plans and programs that identify
1960 transportation facilities that should function as an integrated
1961 metropolitan transportation system, giving emphasis to facilities
1962 that serve important national, state, and regional transportation
1963 functions. For the purposes of this section, those facilities
1964 include the facilities on the Strategic Intermodal System
1965 designated under s. 339.63 and facilities for which projects have
1966 been identified pursuant to s. 339.2819(4).

1967 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1968 develop a long-range transportation plan that addresses at least
1969 a 20-year planning horizon. The plan must include both long-range
1970 and short-range strategies and must comply with all other state
1971 and federal requirements. The prevailing principles to be
1972 considered in the long-range transportation plan are: preserving

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1973 the existing transportation infrastructure; enhancing Florida's
1974 economic competitiveness; and improving travel choices to ensure
1975 mobility. The long-range transportation plan must be consistent,
1976 to the maximum extent feasible, with future land use elements and
1977 the goals, objectives, and policies of the approved local
1978 government comprehensive plans of the units of local government
1979 located within the jurisdiction of the M.P.O. Each M.P.O. is
1980 encouraged to consider strategies that integrate transportation
1981 and land use planning to provide for sustainable development and
1982 reduce greenhouse gas emissions. The approved long-range
1983 transportation plan must be considered by local governments in
1984 the development of the transportation elements in local
1985 government comprehensive plans and any amendments thereto. The
1986 long-range transportation plan must, at a minimum:

1987 (a) Identify transportation facilities, including, but not
1988 limited to, major roadways, airports, seaports, spaceports,
1989 commuter rail systems, transit systems, and intermodal or
1990 multimodal terminals that will function as an integrated
1991 metropolitan transportation system. The long-range transportation
1992 plan must give emphasis to those transportation facilities that
1993 serve national, statewide, or regional functions, and must
1994 consider the goals and objectives identified in the Florida
1995 Transportation Plan as provided in s. 339.155. If a project is
1996 located within the boundaries of more than one M.P.O., the
1997 M.P.O.'s must coordinate plans regarding the project in the long-
1998 range transportation plan.

1999 (b) Include a financial plan that demonstrates how the plan
2000 can be implemented, indicating resources from public and private
2001 sources which are reasonably expected to be available to carry

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2002 out the plan, and recommends any additional financing strategies
2003 for needed projects and programs. The financial plan may include,
2004 for illustrative purposes, additional projects that would be
2005 included in the adopted long-range transportation plan if
2006 reasonable additional resources beyond those identified in the
2007 financial plan were available. For the purpose of developing the
2008 long-range transportation plan, the M.P.O. and the department
2009 shall cooperatively develop estimates of funds that will be
2010 available to support the plan implementation. Innovative
2011 financing techniques may be used to fund needed projects and
2012 programs. Such techniques may include the assessment of tolls,
2013 the use of value capture financing, or the use of value pricing.

2014 (c) Assess capital investment and other measures necessary
2015 to:

2016 1. Ensure the preservation of the existing metropolitan
2017 transportation system including requirements for the operation,
2018 resurfacing, restoration, and rehabilitation of major roadways
2019 and requirements for the operation, maintenance, modernization,
2020 and rehabilitation of public transportation facilities; and

2021 2. Make the most efficient use of existing transportation
2022 facilities to relieve vehicular congestion and maximize the
2023 mobility of people and goods.

2024 (d) Indicate, as appropriate, proposed transportation
2025 enhancement activities, including, but not limited to, pedestrian
2026 and bicycle facilities, scenic easements, landscaping, historic
2027 preservation, mitigation of water pollution due to highway
2028 runoff, and control of outdoor advertising.

2029 (e) In addition to the requirements of paragraphs (a)-(d),
2030 in metropolitan areas that are classified as nonattainment areas

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2031 for ozone or carbon monoxide, the M.P.O. must coordinate the
2032 development of the long-range transportation plan with the State
2033 Implementation Plan developed pursuant to the requirements of the
2034 federal Clean Air Act.

2035
2036 In the development of its long-range transportation plan, each
2037 M.P.O. must provide the public, affected public agencies,
2038 representatives of transportation agency employees, freight
2039 shippers, providers of freight transportation services, private
2040 providers of transportation, representatives of users of public
2041 transit, and other interested parties with a reasonable
2042 opportunity to comment on the long-range transportation plan. The
2043 long-range transportation plan must be approved by the M.P.O.

2044 Section 30. Section 366.82, Florida Statutes, is amended to
2045 read:

2046 366.82 Definition; goals; plans; programs; annual reports;
2047 energy audits.--

2048 (1) For the purposes of ss. 366.80-366.85 and 403.519,
2049 "utility" means any person or entity of whatever form which
2050 provides electricity or natural gas at retail to the public,
2051 specifically including municipalities or instrumentalities
2052 thereof and cooperatives organized under the Rural Electric
2053 Cooperative Law and specifically excluding any municipality or
2054 instrumentality thereof, any cooperative organized under the
2055 Rural Electric Cooperative Law, or any other person or entity
2056 providing natural gas at retail to the public whose annual sales
2057 volume is less than 100 million therms or any municipality or
2058 instrumentality thereof and any cooperative organized under the
2059 Rural Electric Cooperative Law providing electricity at retail to

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2060 the public whose annual sales as of July 1, 1993, to end-use
2061 customers is less than 2,000 gigawatt hours.

2062 (2) The commission shall adopt appropriate goals for
2063 increasing the efficiency of energy consumption and increasing
2064 the development of cogeneration, specifically including goals
2065 designed to increase the conservation of expensive resources,
2066 such as petroleum fuels, to reduce and control the growth rates
2067 of electric consumption, and to reduce the growth rates of
2068 weather-sensitive peak demand. The Executive Office of the
2069 Governor shall be a party in the proceedings to adopt goals. The
2070 commission may change the goals for reasonable cause. The time
2071 period to review the goals, however, must ~~shall~~ not exceed 5
2072 years. After the programs and plans to meet those goals are
2073 completed, the commission shall determine what further goals,
2074 programs, or plans are warranted and, if so, shall adopt them.

2075 (3) The commission shall publish a notice of proposed
2076 rulemaking no later than July 1, 2009, requiring electric
2077 utilities to offset 20 percent of their annual load-growth
2078 through energy efficiency and conservation measures thereby
2079 constituting an energy-efficiency portfolio standard. The
2080 commission may allow efficiency investments across generation,
2081 transmission, and distribution as well as efficiencies within the
2082 user base. As part of the implementation rules, the commission
2083 shall create an in-state market for tradable credits enabling
2084 those electric utilities that exceed the standard to sell credits
2085 to those that cannot meet the standard for a given year. This
2086 efficiency standard is separate from and exclusive of the
2087 renewable portfolio standard that requires electricity providers
2088 to obtain a minimum percentage of their power from renewable

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2089 energy resources. Every 3 years the commission shall review and
2090 reevaluate this efficacy of efficiency standard on a regional and
2091 statewide approach.

2092 (4)~~(3)~~ Following adoption of goals pursuant to subsection
2093 (2), the commission shall require each utility to develop plans
2094 and programs to meet the overall goals within its service area.
2095 If any plan or program includes loans, collection of loans, or
2096 similar banking functions by a utility and the plan is approved
2097 by the commission, the utility shall perform such functions,
2098 notwithstanding any other provision of the law. The commission
2099 may pledge up to \$5 million of the Florida Public Service
2100 Regulatory Trust Fund to guarantee such loans. However, no
2101 utility shall be required to loan its funds for the purpose of
2102 purchasing or otherwise acquiring conservation measures or
2103 devices, but nothing herein shall prohibit or impair the
2104 administration or implementation of a utility plan as submitted
2105 by a utility and approved by the commission under this
2106 subsection. If the commission disapproves a plan, it shall
2107 specify the reasons for disapproval, and the utility whose plan
2108 is disapproved shall resubmit its modified plan within 30 days.
2109 Prior approval by the commission shall be required to modify or
2110 discontinue a plan, or part thereof, which has been approved. If
2111 any utility has not implemented its programs and is not
2112 substantially in compliance with the provisions of its approved
2113 plan at any time, the commission shall adopt programs required
2114 for that utility to achieve the overall goals. Utility programs
2115 may include variations in rate design, load control,
2116 cogeneration, residential energy conservation subsidy, or any
2117 other measure within the jurisdiction of the commission which the

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2118 | commission finds likely to be effective; this provision shall not
2119 | be construed to preclude these measures in any plan or program.

2120 | ~~(5)~~(4) The commission shall require periodic reports from
2121 | each utility and shall provide the Legislature and the Governor
2122 | with an annual report by March 1 of the goals it has adopted and
2123 | its progress toward meeting those goals. The commission shall
2124 | also consider the performance of each utility pursuant to ss.
2125 | 366.80-366.85 and 403.519 when establishing rates for those
2126 | utilities over which the commission has ratesetting authority.

2127 | (6) The commission shall require municipal and cooperative
2128 | utilities that are exempt from the Florida Energy Efficiency and
2129 | Conservation Act to submit an annual report to the commission
2130 | identifying energy efficiency and conservation goals and the
2131 | actions taken to meet those goals.

2132 | ~~(7)~~(5) The commission shall require each utility to offer,
2133 | or to contract to offer, energy audits to its residential
2134 | customers. This requirement need not be uniform, but may be based
2135 | on such factors as level of usage, geographic location, or any
2136 | other reasonable criterion, so long as all eligible customers are
2137 | notified. The commission may extend this requirement to some or
2138 | all commercial customers. The commission shall set the charge for
2139 | audits by rule, not to exceed the actual cost, and may describe
2140 | by rule the general form and content of an audit. In the event
2141 | one utility contracts with another utility to perform audits for
2142 | it, the utility for which the audits are performed shall pay the
2143 | contracting utility the reasonable cost of performing the audits.
2144 | Each utility over which the commission has ratesetting authority
2145 | shall estimate its costs and revenues for audits, conservation
2146 | programs, and implementation of its plan for the immediately

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2147 following 6-month period. Reasonable and prudent unreimbursed
2148 costs projected to be incurred, or any portion of such costs, may
2149 be added to the rates which would otherwise be charged by a
2150 utility upon approval by the commission, provided that the
2151 commission shall not allow the recovery of the cost of any
2152 company image-enhancing advertising or of any advertising not
2153 directly related to an approved conservation program. Following
2154 each 6-month period, each utility shall report the actual results
2155 for that period to the commission, and the difference, if any,
2156 between actual and projected results shall be taken into account
2157 in succeeding periods. The state plan as submitted for
2158 consideration under the National Energy Conservation Policy Act
2159 shall not be in conflict with any state law or regulation.

2160 (8)~~(6)~~(a) Notwithstanding the provisions of s. 377.703, the
2161 commission shall be the responsible state agency for performing,
2162 coordinating, implementing, or administering the functions of the
2163 state plan submitted for consideration under the National Energy
2164 Conservation Policy Act and any acts amendatory thereof or
2165 supplemental thereto and for performing, coordinating,
2166 implementing, or administering the functions of any future
2167 federal program delegated to the state which relates to
2168 consumption, utilization, or conservation of electricity or
2169 natural gas; and the commission shall have exclusive
2170 responsibility for preparing all reports, information, analyses,
2171 recommendations, and materials related to consumption,
2172 utilization, or conservation of electrical energy which are
2173 required or authorized by s. 377.703.

2174 (b) The Florida Energy and Climate Commission, as created
2175 in s. 377.6015, ~~Executive Office of the Governor~~ shall be a party

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2176 in the proceedings to adopt goals and shall file with the
2177 commission comments on the proposed goals including, but not
2178 limited to:

2179 1. An evaluation of utility load forecasts, including an
2180 assessment of alternative supply and demand side resource
2181 options.

2182 2. An analysis of various policy options which can be
2183 implemented to achieve a least-cost strategy.

2184 ~~(9)-(7)~~ The commission shall establish all minimum
2185 requirements for energy auditors used by each utility. The
2186 commission is authorized to contract with any public agency or
2187 other person to provide any training, testing, evaluation, or
2188 other step necessary to fulfill the provisions of this
2189 subsection.

2190 (10) In evaluating the cost-effectiveness of demand-side
2191 management programs, the commission shall use methodologies that
2192 recognize the noneconomic benefits associated with reduced energy
2193 demand from energy efficiency and conservation programs and that
2194 recognize the benefits associated with not constructing new
2195 generation capacity.

2196 Section 31. Paragraph (d) of subsection (1) of section
2197 366.8255, Florida Statutes, is amended to read:

2198 366.8255 Environmental cost recovery.--

2199 (1) As used in this section, the term:

2200 (d) "Environmental compliance costs" includes all costs or
2201 expenses incurred by an electric utility in complying with
2202 environmental laws or regulations, including, but not limited to:

2203 1. Inservice capital investments, including the electric
2204 utility's last authorized rate of return on equity thereon;

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- 2205 2. Operation and maintenance expenses;
2206 3. Fuel procurement costs;
2207 4. Purchased power costs;
2208 5. Emission allowance costs;
2209 6. Direct taxes on environmental equipment; ~~and~~
2210 7. Costs or expenses prudently incurred by an electric
2211 utility pursuant to an agreement entered into on or after the
2212 effective date of this act and prior to October 1, 2002, between
2213 the electric utility and the Florida Department of Environmental
2214 Protection or the United States Environmental Protection Agency
2215 for the exclusive purpose of ensuring compliance with ozone
2216 ambient air quality standards by an electrical generating
2217 facility owned by the electric utility;~~-~~
- 2218 8. Costs or expenses prudently incurred for scientific
2219 research and geological assessments of carbon capture and storage
2220 conducted in Florida for the purpose of reducing an electric
2221 utility's greenhouse gas emissions as defined in s. 403.44 when
2222 such costs or expenses are incurred in joint research projects
2223 with this state's government agencies and universities; and
- 2224 9. Costs or expenses prudently incurred for the
2225 quantification, reporting, and verification of greenhouse gas
2226 emissions by third parties as required for participation in
2227 emission registries.

2228 Section 32. Section 366.91, Florida Statutes, is amended to
2229 read:

2230 366.91 Renewable energy.--

2231 (1) The Legislature finds that it is in the public interest
2232 to promote the development of renewable energy resources in this
2233 state. Renewable energy resources have the potential to help

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2234 diversify fuel types to meet Florida's growing dependency on
2235 natural gas for electric production, minimize the volatility of
2236 fuel costs, encourage investment within the state, improve
2237 environmental conditions, and make Florida a leader in new and
2238 innovative technologies.

2239 (2) As used in this section, the term:

2240 (a) "Biomass" means a power source that is comprised of,
2241 but not limited to, combustible residues or gases from forest
2242 products manufacturing, waste, byproducts or products from
2243 agricultural and orchard crops, waste and co-products from
2244 livestock and poultry operations, waste and byproducts from ~~and~~
2245 food processing, urban wood waste, municipal solid waste,
2246 municipal liquid waste treatment operations, and landfill gas.

2247 (b) "Renewable energy" means electrical energy produced
2248 from a method that uses one or more of the following fuels or
2249 energy sources: hydrogen produced from sources other than fossil
2250 fuels, biomass, solar energy, geothermal energy, wind energy,
2251 ocean energy, and hydroelectric power. The term includes the
2252 alternative energy resource, waste heat, from sulfuric acid
2253 manufacturing operations.

2254 (c) "Customer-owned renewable generation" means an electric
2255 generating system located on a customer's premises that is
2256 primarily intended to offset part or all of the customer's
2257 electricity requirements with renewable energy.

2258 (d) "Net metering" means a metering and billing methodology
2259 whereby customer-owned renewable generation is allowed to offset
2260 the customer's electricity consumption on-site.

2261 (3) On or before January 1, 2006, each public utility must
2262 continuously offer a purchase contract to producers of renewable

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2263 energy. The commission shall establish requirements relating to
2264 the purchase of capacity and energy by public utilities from
2265 renewable energy producers and may adopt rules to administer this
2266 section. The contract shall contain payment provisions for energy
2267 and capacity which are based upon the utility's full avoided
2268 costs, as defined in s. 366.051; however, capacity payments are
2269 not required if, due to the operational characteristics of the
2270 renewable energy generator or the anticipated peak and off-peak
2271 availability and capacity factor of the utility's avoided unit,
2272 the producer is unlikely to provide any capacity value to the
2273 utility or the electric grid during the contract term. Each
2274 contract must provide a contract term of at least 10 years.
2275 Prudent and reasonable costs associated with a renewable energy
2276 contract shall be recovered from the ratepayers of the
2277 contracting utility, without differentiation among customer
2278 classes, through the appropriate cost-recovery clause mechanism
2279 administered by the commission.

2280 (4) On or before January 1, 2006, each municipal electric
2281 utility and rural electric cooperative whose annual sales, as of
2282 July 1, 1993, to retail customers were greater than 2,000
2283 gigawatt hours must continuously offer a purchase contract to
2284 producers of renewable energy containing payment provisions for
2285 energy and capacity which are based upon the utility's or
2286 cooperative's full avoided costs, as determined by the governing
2287 body of the municipal utility or cooperative; however, capacity
2288 payments are not required if, due to the operational
2289 characteristics of the renewable energy generator or the
2290 anticipated peak and off-peak availability and capacity factor of
2291 the utility's avoided unit, the producer is unlikely to provide

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2292 any capacity value to the utility or the electric grid during the
2293 contract term. Each contract must provide a contract term of at
2294 least 10 years.

2295 (5) On or before January 1, 2009, each public utility must
2296 develop a standardized interconnection agreement and net metering
2297 program for customer-owned renewable generation. The commission
2298 shall establish requirements relating to the expedited
2299 interconnection and net metering of customer-owned renewable
2300 generation by public utilities and may adopt rules to administer
2301 this section.

2302 (6) On or before July 1, 2009, each municipal electric
2303 utility and each rural electric cooperative that sells
2304 electricity at retail must develop a standardized interconnection
2305 agreement and net metering program for customer-owned renewable
2306 generation. Each governing authority shall establish
2307 requirements relating to the expedited interconnection and net
2308 metering of customer-owned generation. By April 1 of each year,
2309 each municipal electric utility and rural electric cooperative
2310 utility serving retail customers shall file a report with the
2311 commission detailing customer participation in the
2312 interconnection and net metering program, including but not
2313 limited to the number and total capacity of interconnected
2314 generating systems and the total energy net metered in the
2315 previous year.

2316 (7)~~(5)~~ A contracting producer of renewable energy must pay
2317 the actual costs of its interconnection with the transmission
2318 grid or distribution system.

2319 Section 33. Section 366.92, Florida Statutes, is amended to
2320 read:

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2321 366.92 Florida renewable energy policy.--

2322 (1) It is the intent of the Legislature to promote the
2323 development of renewable energy; protect the economic viability
2324 of Florida's existing renewable energy facilities; diversify the
2325 types of fuel used to generate electricity in Florida; lessen
2326 Florida's dependence on natural gas and fuel oil for the
2327 production of electricity; minimize the volatility of fuel costs;
2328 encourage investment within the state; improve environmental
2329 conditions; and, at the same time, minimize the costs of power
2330 supply to electric utilities and their customers.

2331 (2) For the purposes of this section, "Florida renewable
2332 energy resources" shall mean renewable energy, as defined in s.
2333 377.803, that is produced in Florida.

2334 (3) As used in this section, the term:

2335 (a) "Renewable energy credit" or "REC" means a product that
2336 represents the unbundled, separable, and renewable attribute of
2337 renewable energy produced in Florida and is equivalent to 1
2338 megawatt-hour of electricity generated by a source of renewable
2339 energy located in Florida.

2340 (b) "Provider" means an electric utility or utility as
2341 defined in s. 366.8255(1) (a).

2342 (c) "Renewable Energy" means energy produced from a method
2343 that uses one or more of the following fuels or energy sources:
2344 solar thermal, solar hot water, geothermal energy, or as provided
2345 in s. 366.91(2) (b).

2346 (d) "Renewable portfolio standard" or "RPS" means the
2347 minimum percentage of total annual retail electricity sales by a
2348 provider to consumers in Florida, which shall be supplied by
2349 renewable energy produced in Florida.

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2350 (4) (a) The commission shall adopt rules for a renewable
2351 portfolio standard requiring each provider to supply renewable
2352 energy to its customers, whether directly, by procurement, or
2353 through renewable energy credits. In developing the RPS rule, the
2354 commission shall consult the Department of Environmental
2355 Protection and the Florida Energy and Climate Commission. The
2356 commission shall present a draft rule for legislative
2357 consideration by February 1, 2009. The rule may not be
2358 implemented until ratified by the Legislature.

2359 (b) In developing the rule, the commission shall evaluate
2360 the current and forecasted levelized cost in cents per kilowatt
2361 hour through 2020 and current and forecasted installed capacity
2362 in kilowatts for each renewable energy generation method through
2363 2020.

2364 (c) The commission's rule shall include methods of managing
2365 the cost of compliance with the portfolio standard, whether
2366 through direct supply, through the procurement of renewable
2367 power, or through the purchase of renewable energy credits. The
2368 commission shall have rulemaking authority for providing annual
2369 cost recovery and incentive-based adjustments to authorized rates
2370 of return on common equity to providers to incentivize renewable
2371 energy. Notwithstanding s. 366.91(3) and (4), upon the effective
2372 date of the rule, the commission is authorized to approve
2373 projects and power sales agreements with renewable power
2374 producers, and the sale of renewable energy credits which are
2375 needed to comply with the RPS. In the event of any conflict,
2376 this section shall supersede s. 366.91(3) and (4).

2377 (d) The commission's rule shall provide for appropriate
2378 compliance measures and the conditions under which compliance

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2379 shall be excused due to a determination by the commission that
2380 the supply of renewable energy or renewable energy credits was
2381 not adequate to satisfy the demand for such energy, or that the
2382 cost of securing renewable energy or renewable energy credits was
2383 cost-prohibitive.

2384 (e) The commission's rule shall provide added weight to
2385 energy provided by wind and solar energy over other forms of
2386 renewable energy, whether directly supplied, procured, or
2387 indirectly obtained through the purchase of renewable energy
2388 credits.

2389 (f) The commission's rule shall determine an appropriate
2390 period of time for which renewable energy credits may be used for
2391 purposes of compliance with the renewable portfolio standard.

2392 (g) The commission's rule shall:

2393 1. Determine an appropriate period of time for which
2394 renewable energy credits may be used for purposes of compliance
2395 with the renewable portfolio standard.

2396 2. Provide for the monitoring of compliance with and
2397 enforcement of the requirements of this section.

2398 3. Ensure that energy credited toward compliance with the
2399 provisions of this section are not credited toward any other
2400 purpose.

2401 4. Develop procedures to track and account for renewable
2402 energy credits, including ownership of renewable energy credits
2403 that are derived from a customer-owned renewable energy facility
2404 as a result of any action by a customer of an electric power
2405 supplier that is independent of a program sponsored by the
2406 electric power supplier.

2407 (h) The commission's rule shall provide for the conditions

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2408 and options for the repeal or alteration of the rule in the event
2409 that new provisions of federal law supplant or conflict with the
2410 rule.

2411 (i) Beginning on April 1 of the year following the
2412 effective date of the rule, each provider shall submit a report
2413 to the commission describing the steps that have been taken in
2414 the previous year and the steps that will be taken in the future
2415 to add renewable energy to the provider's energy supply
2416 portfolio. The report shall state whether the provider was in
2417 compliance with the RPS during the previous year and how it will
2418 comply with the RPS in the upcoming year.

2419 (5) In order to demonstrate the feasibility and viability
2420 of clean energy systems, the commission shall provide for full
2421 cost recovery under the environmental cost-recovery clause of all
2422 reasonable and prudent costs incurred by a provider for renewable
2423 energy projects that are zero greenhouse gas emitting at the
2424 point of generation, up to a total of 110 megawatts statewide,
2425 and for which the provider has secured necessary land, zoning
2426 permits, and transmission rights within the state. Such costs
2427 shall be deemed reasonable and prudent for purposes of cost
2428 recovery so long as the provider has used reasonable and
2429 customary industry practices in the design, procurement, and
2430 construction of the project in a cost-effective manner
2431 appropriate to the location of the facility. The provider shall
2432 report to the commission as part of the cost-recovery proceedings
2433 the construction costs, in-service costs, operating and
2434 maintenance costs, hourly energy production of the renewable
2435 energy project, and any other information deemed relevant by the
2436 commission. Any provider constructing a clean energy facility

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2437 pursuant to this section shall file for cost recovery no later
2438 than July 1, 2009.

2439 (6) Each municipal electric utility and rural electric
2440 cooperative shall develop standards for the promotion,
2441 encouragement, and expansion of the use of renewable energy
2442 resources and energy conservation and efficiency measures. On or
2443 before April 1, 2009, and annually thereafter, each municipal
2444 electric utility and electric cooperative shall submit to the
2445 commission a report that identifies such standards.

2446 (7) No provision in this section shall be construed to
2447 impede or impair terms and conditions in existing contracts.

2448 ~~(3) The commission may adopt appropriate goals for~~
2449 ~~increasing the use of existing, expanded, and new Florida~~
2450 ~~renewable energy resources. The commission may change the goals.~~
2451 ~~The commission may review and reestablish the goals at least once~~
2452 ~~every 5 years.~~

2453 ~~(8)(4)~~ The commission shall adopt rules to administer and
2454 implement the provisions of this section.

2455 Section 34. Section 366.93, Florida Statutes, is amended to
2456 read:

2457 366.93 Cost recovery for the siting, design, licensing, and
2458 construction of nuclear and integrated gasification combined
2459 cycle power plants.--

2460 (1) As used in this section, the term:

2461 (a) "Cost" includes, but is not limited to, all capital
2462 investments, including rate of return, any applicable taxes, and
2463 all expenses, including operation and maintenance expenses,
2464 related to or resulting from the siting, licensing, design,
2465 construction, or operation of the nuclear power plant and any

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2466 new, enlarged, or relocated electrical transmission lines or
2467 facilities of any size which are necessary to serve the nuclear
2468 or integrated gasification combined cycle power plant.

2469 (b) "Electric utility" or "utility" has the same meaning as
2470 that provided in s. 366.8255(1) (a).

2471 (c) "Integrated gasification combined cycle power plant" or
2472 "plant" is an electrical power plant as defined in s. 403.503(14)
2473 which s. 403.503(13) that uses synthesis gas produced by
2474 integrated gasification technology.

2475 (c) (d) "Nuclear power plant" or "plant" means is an
2476 electrical power plant, as defined in s. 403.503(14), which s.
2477 403.503(13) that uses nuclear materials for fuel.

2478 (d) (e) "Power plant" or "plant" means a nuclear power plant
2479 or an integrated gasification combined cycle power plant.

2480 (e) (f) "Preconstruction" is that period of time after a
2481 site, including any related electrical transmission lines or
2482 facilities, has been selected through and including the date the
2483 utility completes site-clearing ~~site-clearing~~ work.

2484 Preconstruction costs shall be afforded deferred accounting
2485 treatment and shall accrue a carrying charge equal to the
2486 utility's allowance for funds during construction (AFUDC) rate
2487 until recovered in rates.

2488 (2) Within 6 months after the enactment of this act, the
2489 commission shall establish, by rule, alternative cost recovery
2490 mechanisms for the recovery of costs incurred in the siting,
2491 design, licensing, and construction of a nuclear power plant,
2492 including new, expanded, or relocated electrical transmission
2493 lines and facilities that are necessary to serve the nuclear or
2494 integrated gasification combined cycle power plant. Such

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2495 mechanisms shall be designed to promote utility investment in
2496 nuclear or integrated gasification combined cycle power plants
2497 and allow for the recovery in rates of all prudently incurred
2498 costs, and shall include, but need ~~are~~ not be limited to:

2499 (a) Recovery through the capacity cost recovery clause of
2500 any preconstruction costs.

2501 (b) Recovery through an incremental increase in the
2502 utility's capacity cost recovery clause rates of the carrying
2503 costs on the utility's projected construction cost balance
2504 associated with the nuclear or integrated gasification combined
2505 cycle power plant. To encourage investment and provide certainty,
2506 for nuclear or integrated gasification combined cycle power plant
2507 need petitions submitted on or before December 31, 2010,
2508 associated carrying costs shall be equal to the pretax AFUDC in
2509 effect upon this act becoming law. For nuclear or integrated
2510 gasification combined cycle power plants for which need petitions
2511 are submitted after December 31, 2010, the utility's existing
2512 pretax AFUDC rate is presumed to be appropriate unless determined
2513 otherwise by the commission in the determination of need for the
2514 nuclear or integrated gasification combined cycle power plant.

2515 (3) After a petition for determination of need is granted,
2516 a utility may petition the commission for cost recovery as
2517 permitted by this section and commission rules.

2518 (4) When the nuclear or integrated gasification combined
2519 cycle power plant is placed in commercial service, the utility
2520 shall be allowed to increase its base rate charges by the
2521 projected annual revenue requirements of the nuclear or
2522 integrated gasification combined cycle power plant based on the
2523 jurisdictional annual revenue requirements of the plant for the

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2524 first 12 months of operation. The rate of return on capital
2525 investments shall be calculated using the utility's rate of
2526 return last approved by the commission prior to the commercial
2527 inservice date of the nuclear or integrated gasification combined
2528 cycle power plant. If any existing generating plant is retired as
2529 a result of operation of the nuclear or integrated gasification
2530 combined cycle power plant, the commission shall allow for the
2531 recovery, through an increase in base rate charges, of the net
2532 book value of the retired plant over a period not to exceed 5
2533 years.

2534 (5) The utility shall report to the commission annually the
2535 budgeted and actual costs as compared to the estimated inservice
2536 cost of the nuclear or integrated gasification combined cycle
2537 power plant provided by the utility pursuant to s. 403.519(4),
2538 until the commercial operation of the nuclear or integrated
2539 gasification combined cycle power plant. The utility shall
2540 provide such information on an annual basis following the final
2541 order by the commission approving the determination of need for
2542 the nuclear or integrated gasification combined cycle power
2543 plant, with the understanding that some costs may be higher than
2544 estimated and other costs may be lower.

2545 (6) ~~If In the event~~ the utility elects not to complete or
2546 is precluded from completing construction of the nuclear power
2547 plant, including any new, expanded, or relocated electrical
2548 transmission lines or facilities or integrated gasification
2549 combined cycle power plant, the utility shall be allowed to
2550 recover all prudent preconstruction and construction costs
2551 incurred following the commission's issuance of a final order
2552 granting a determination of need for the nuclear power plant and

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2553 electrical transmission lines and facilities or integrated
2554 gasification combined cycle power plant. The utility shall
2555 recover such costs through the capacity cost recovery clause over
2556 a period equal to the period during which the costs were incurred
2557 or 5 years, whichever is greater. The unrecovered balance during
2558 the recovery period will accrue interest at the utility's
2559 weighted average cost of capital as reported in the commission's
2560 earnings surveillance reporting requirement for the prior year.

2561 Section 35. Section 377.601, Florida Statutes, is amended
2562 to read:

2563 377.601 Legislative intent.--

2564 (1) The Legislature finds that this state's energy security
2565 can be increased by lessening dependence on foreign oil, that the
2566 impacts of global climate change can be reduced through the
2567 reduction of greenhouse gas emissions, and that the
2568 implementation of alternative energy technologies can be the
2569 source of new jobs and employment opportunities for many
2570 Floridians. The Legislature further finds that this state is
2571 positioned at the front line against potential impacts of global
2572 climate change. Human and economic costs of those impacts can be
2573 averted and, where necessary, adapted to by a concerted effort to
2574 make this state's communities more resilient and less vulnerable
2575 to these impacts. In focusing the government's policy and efforts
2576 to protect this state, its residents, and resources, the
2577 Legislature believes that a single government entity that has
2578 energy and climate change as its specific focus is both desirable
2579 and advantageous. ~~the ability to deal effectively with present~~
2580 ~~shortages of resources used in the production of energy is~~
2581 ~~aggravated and intensified because of inadequate or nonexistent~~

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2582 ~~information and that intelligent response to these problems and~~
2583 ~~to the development of a state energy policy demands accurate and~~
2584 ~~relevant information concerning energy supply, distribution, and~~
2585 ~~use. The Legislature finds and declares that a procedure for the~~
2586 ~~collection and analysis of data on the energy flow in this state~~
2587 ~~is essential to the development and maintenance of an energy~~
2588 ~~profile defining the characteristics and magnitudes of present~~
2589 ~~and future energy demands and availability so that the state may~~
2590 ~~rationally deal with present energy problems and anticipate~~
2591 ~~future energy problems.~~

2592 ~~(2) The Legislature further recognizes that every state~~
2593 ~~official dealing with energy problems should have current and~~
2594 ~~reliable information on the types and quantity of energy~~
2595 ~~resources produced, imported, converted, distributed, exported,~~
2596 ~~stored, held in reserve, or consumed within the state.~~

2597 ~~(3) It is the intent of the Legislature in the passage of~~
2598 ~~this act to provide the necessary mechanisms for the effective~~
2599 ~~development of information necessary to rectify the present lack~~
2600 ~~of information which is seriously handicapping the state's~~
2601 ~~ability to deal effectively with the energy problem. To this end,~~
2602 ~~the provisions of ss. 377.601-377.608 should be given the~~
2603 ~~broadest possible interpretation consistent with the stated~~
2604 ~~legislative desire to procure vital information.~~

2605 ~~(2)(4)~~ It is the policy of the State of Florida to:

2606 (a) Recognize and address the potential impacts of global
2607 climate change wherever possible. ~~Develop and promote the~~
2608 ~~effective use of energy in the state and discourage all forms of~~
2609 ~~energy waste.~~

2610 (b) Play a leading role in developing and instituting

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2611 energy management programs aimed at promoting energy
2612 conservation, energy security, and the reduction of greenhouse
2613 gas emissions.

2614 (c) Include energy considerations in all state, regional,
2615 and local planning.

2616 (d) Utilize and manage effectively energy resources used
2617 within state agencies.

2618 (e) Encourage local governments to include energy
2619 considerations in all planning and to support their work in
2620 promoting energy management programs.

2621 (f) Include the full participation of citizens in the
2622 development and implementation of energy programs.

2623 (g) Consider in its decisions the energy needs of each
2624 economic sector, including residential, industrial, commercial,
2625 agricultural, and governmental uses, and to reduce those needs
2626 whenever possible.

2627 (h) Promote energy education and the public dissemination
2628 of information on energy and its environmental, economic, and
2629 social impact.

2630 (i) Encourage the research, development, demonstration, and
2631 application of alternative energy resources, particularly
2632 renewable energy resources.

2633 (j) Consider, in its decisionmaking, the social, economic,
2634 security, and environmental impacts of energy-related activities,
2635 including the whole life-cycle impacts of any potential energy
2636 use choices, so that detrimental effects of these activities are
2637 understood and minimized.

2638 (k) Develop and maintain energy emergency preparedness
2639 plans to minimize the effects of an energy shortage within

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2640 Florida.

2641 Section 36. The State Energy Program, as authorized and
2642 governed by ss. 20.255, 288.041, 377.601-377.608, 377.701,
2643 377.703, and 377.801-377.806, Florida Statutes, is transferred by
2644 a type two transfer as defined in s. 20.06(2), Florida Statutes,
2645 from the Department of Environmental Protection to the Florida
2646 Energy and Climate Commission.

2647 Section 37. Section 377.6015, Florida Statutes, is created
2648 to read:

2649 377.6015 Florida Energy and Climate Commission.--

2650 (1) The Florida Energy and Climate Commission is created
2651 and shall be located within the Executive Office of the Governor.
2652 The commission shall be comprised of nine members, and shall be
2653 appointed by the Governor, the Commissioner of Agriculture, and
2654 the Chief Financial Officer as follows.

2655 (a) The Governor shall select from three persons nominated
2656 by the Florida Public Service Commission Nominating Council,
2657 created in s. 350.031, for each of seven seats on the commission.
2658 The Commissioner of Agriculture shall select from three persons
2659 nominated by the council for one seat on the commission. The
2660 Chief Financial Officer shall select from three persons nominated
2661 by the council for one seat on the commission.

2662 1. The council shall submit recommendations to the
2663 Governor, the Commissioner of Agriculture, and the Chief
2664 Financial Officer by September 1 of those years in which the
2665 terms are to begin the following October, or within 60 days after
2666 a vacancy occurs for any reason other than the expiration of a
2667 term. The Governor, the Commissioner of Agriculture, and the
2668 Chief Financial Officer may proffer names of persons to be

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2669 considered for nomination by the council.

2670 2. The Governor, the Commissioner of Agriculture, and the
2671 Chief Financial Officer shall fill a vacancy occurring on the
2672 commission by appointment of one of the applicants nominated by
2673 the council only after a background investigation of the
2674 applicant has been conducted by the Department of Law
2675 Enforcement.

2676 3. Members shall be appointed to 3-year terms; however, in
2677 order to establish staggered terms, for the initial appointments,
2678 the Governor shall appoint four members to 3-year terms, two
2679 members to 2-year terms, and one member to a 1-year term. The
2680 Commissioner of Agriculture and the Chief Financial Officer shall
2681 appoint a member each for 3-year terms and shall appoint a
2682 successor when that appointee's term expires in the same manner
2683 as provided in this paragraph and paragraph (b).

2684 4. The Governor shall select the chair of the commission
2685 from one of the nine persons appointed to the commission.

2686 5. Vacancies on the commission shall be filled for the
2687 unexpired portion of the term in the same manner as original
2688 appointments to the commission.

2689 6. If the Governor, the Commissioner of Agriculture, and
2690 the Chief Financial Officer have not made an appointment within
2691 30 days after the receipt of the recommendations, the council
2692 shall initiate, in accordance with this section, the nominating
2693 process within 30 days.

2694 7. Each appointment to the commission is subject to
2695 confirmation by the Senate during the next regular session after
2696 the vacancy occurs. If the Senate refuses to confirm or fails to
2697 consider an appointment, the council shall initiate, in

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2698 accordance with this section, the nominating process within 30
2699 days.

2700 (b) Members must meet the following qualifications and
2701 restrictions:

2702 1. A member must be an expert in one or more of the
2703 following fields: energy, natural resource conservation,
2704 economics, engineering, finance, law, transportation and land
2705 use, consumer protection, state energy policy, or another field
2706 substantially related to the duties and functions of the
2707 commission. The commission shall fairly represent the fields
2708 specified in this subparagraph.

2709 2. Each member shall, at the time of appointment and at
2710 each commission meeting during his or her term of office,
2711 disclose:

2712 a. Whether he or she has any financial interest, other than
2713 ownership of shares in a mutual fund, in any business entity
2714 that, directly or indirectly, owns or controls, or is an
2715 affiliate or subsidiary of, any business entity that may be
2716 affected by the policy recommendations developed by the
2717 commission.

2718 b. Whether he or she is employed by or is engaged in any
2719 business activity with any business entity that, directly or
2720 indirectly, owns or controls, or is an affiliate or subsidiary
2721 of, any business entity that may be affected by the policy
2722 recommendations developed by the commission.

2723 (c) The chair may designate ex officio nonvoting members to
2724 provide information and advice to the commission. The following
2725 shall serve as ex officio nonvoting members and may provide
2726 information and advice at the request of the chair:

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- 2727 | 1. The chair of the Florida Public Service Commission, or
2728 | designee;
- 2729 | 2. The Public Counsel, or designee;
- 2730 | 3. A representative of the Department of Agriculture and
2731 | Consumer Services;
- 2732 | 4. A representative of the Department of Financial
2733 | Services;
- 2734 | 5. A representative of the Department of Environmental
2735 | Protection;
- 2736 | 6. A representative of the Department of Community Affairs;
- 2737 | 7. A representative of the Board of Governors of the State
2738 | University System; and
- 2739 | 8. A representative of the Department of Transportation.
- 2740 | (2) Members shall serve without compensation, but are
2741 | entitled to reimbursement for per diem and travel expenses as
2742 | provided in s. 112.061.
- 2743 | (3) Meetings of the commission may be held in various
2744 | locations around the state and at the call of the chair; however,
2745 | the commission must meet at least six times each year.
- 2746 | (4) The commission may:
- 2747 | (a) Employ staff and counsel as needed in the performance
2748 | of its duties.
- 2749 | (b) Prosecute and defend legal actions in its own name.
- 2750 | (c) Form advisory groups consisting of members of the
2751 | public to provide information on specific issues.
- 2752 | (5) The commission shall:
- 2753 | (a) Administer the Florida Renewable Energy and Energy
2754 | Efficient Technologies Grant Program authorized under s. 377.804
2755 | to assure a robust grant portfolio.

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2756 (b) Develop policies that require grantees to provide
2757 royalty-sharing or licensing agreements with state government for
2758 commercialized products developed under a state grant.

2759 (c) Administer the Florida Green Government Grants Act
2760 pursuant to s. 377.808 and set annual priorities for grants.

2761 (d) Administer the information gathering and reporting
2762 functions pursuant to ss. 377.601-377.608.

2763 (e) Administer the petroleum planning and emergency
2764 contingency planning pursuant to ss. 377.701 and 377.703-377.704.

2765 (f) Represent Florida in the Southern States Energy Compact
2766 pursuant to ss. 377.71-377.712.

2767 (g) Upon completion by the Governor's Action Team on Energy
2768 and Climate Change, complete the annual assessment of the
2769 efficacy of Florida's Energy and Climate Change Action Plan
2770 pursuant to the Governor's Executive Order 2007-128 and provide
2771 specific recommendations to the Governor and the Legislature each
2772 year to improve results.

2773 (h) Administer the provisions of the Florida Energy and
2774 Climate Protection Act pursuant to ss. 377.801-377.806.

2775 (i) Advocate for energy and climate change issues and
2776 provide educational outreach and technical assistance in
2777 cooperation with Florida's academic institutions.

2778 (j) Be a party in the proceedings to adopt goals and submit
2779 comments to the Public Service Commission pursuant to s. 366.82.

2780 (k) Adopt rules pursuant to chapter 120 to administer all
2781 powers and duties described in this section.

2782 Section 38. Section 377.602, Florida Statutes, is amended
2783 to read:

2784 377.602 Definitions.--As used in ss. 377.601-377.608, the

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2785 term:

2786 (1) "Commission" means the Florida Energy and Climate
2787 Commission.

2788 (2) "Department" means the Department of Environmental
2789 Protection.

2790 (3)~~(1)~~ "Energy resources" includes, but is ~~shall~~ not ~~be~~
2791 limited to:

2792 (a) Energy converted from solar radiation, wind, hydraulic
2793 potential, tidal movements, biomass, geothermal sources, and
2794 other energy resources the commission determines to be important
2795 to the production or supply of energy.

2796 (b)~~(a)~~ Propane, butane, motor gasoline, kerosene, home
2797 heating oil, diesel fuel, other middle distillates, aviation
2798 gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual
2799 fuels, crude oil, and other petroleum products and hydrocarbons
2800 as may be determined by the department to be of importance.

2801 (c)~~(b)~~ All natural gas, including casinghead gas, all other
2802 hydrocarbons not defined as petroleum products in paragraph (a),
2803 and liquefied petroleum gas as defined in s. 527.01.

2804 (d)~~(e)~~ All types of coal and products derived from its
2805 conversion and used as fuel.

2806 (e)~~(d)~~ All types of nuclear energy, special nuclear
2807 material, and source material, as defined in s. 290.07.

2808 ~~(c) Every other energy resource, whether natural or manmade~~
2809 ~~which the department determines to be important to the production~~
2810 ~~or supply of energy, including, but not limited to, energy~~
2811 ~~converted from solar radiation, wind, hydraulic potential, tidal~~
2812 ~~movements, and geothermal sources.~~

2813 (f) All electrical energy.

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2814 ~~(2) "Department" means the Department of Environmental~~
2815 ~~Protection.~~

2816 (4)~~(3)~~ "Person" means producer, refiner, wholesaler,
2817 marketer, consignee, jobber, distributor, storage operator,
2818 importer, exporter, firm, corporation, broker, cooperative,
2819 public utility as defined in s. 366.02, rural electrification
2820 cooperative, municipality engaged in the business of providing
2821 electricity or other energy resources to the public, pipeline
2822 company, person transporting any energy resources ~~as defined in~~
2823 ~~subsection (1)~~, and person holding energy reserves for further
2824 production; however, the term "person" does not include persons
2825 exclusively engaged in the retail sale of petroleum products.

2826 Section 39. Section 377.603, Florida Statutes, is amended
2827 to read:

2828 377.603 Energy data collection; powers and duties of the
2829 commission ~~Department of Environmental Protection.~~--

2830 (1) The commission ~~may department shall~~ collect data on the
2831 extraction, production, importation, exportation, refinement,
2832 transportation, transmission, conversion, storage, sale, or
2833 reserves of energy resources in this state in an efficient and
2834 expeditious manner.

2835 (2) The commission ~~may department shall~~ prepare periodic
2836 reports of energy data it collects.

2837 ~~(3) The department shall prescribe and furnish forms for~~
2838 ~~the collection of information as required by ss. 377.601-377.608~~
2839 ~~and shall consult with other state entities to assure that such~~
2840 ~~data collected will meet their data requirements.~~

2841 (3)~~(4)~~ The commission ~~department~~ may adopt and promulgate
2842 such rules and regulations as are necessary to carry out the

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2843 provisions of ss. 377.601-377.608. Such rules shall be pursuant
2844 to chapter 120.

2845 ~~(4)-(5)~~ The commission ~~department~~ shall maintain internal
2846 validation procedures to assure the accuracy of information
2847 received.

2848 Section 40. Section 377.604, Florida Statutes, is amended
2849 to read:

2850 377.604 Required reports.--Every person who produces,
2851 imports, exports, refines, transports, transmits, converts,
2852 stores, sells, or holds known reserves of any form of energy
2853 resources used as fuel shall report to the commission at the
2854 commission's request ~~department at a frequency set~~, and in a
2855 manner prescribed, by the commission ~~department~~, on forms
2856 provided by the commission ~~department~~ and ~~prepared with the~~
2857 ~~advice of representatives of the energy industry~~. Such forms
2858 shall be designed ~~in such a manner as~~ to indicate:

2859 (1) The identity of the person or persons making the
2860 report.

2861 (2) The quantity of energy resources extracted, produced,
2862 imported, exported, refined, transported, transmitted, converted,
2863 stored, or sold except at retail.

2864 (3) The quantity of energy resources known to be held in
2865 reserve in the state.

2866 (4) The identity of each refinery from which petroleum
2867 products have normally been obtained and the type and quantity of
2868 products secured from that refinery for sale or resale in this
2869 state.

2870 (5) Any other information which the commission ~~department~~
2871 deems proper pursuant to the intent of ss. 377.601-377.608.

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2872 Section 41. Section 377.605, Florida Statutes, is amended
2873 to read:

2874 377.605 Use of existing information.--The commission may
2875 use ~~department shall utilize~~ to the fullest extent possible any
2876 existing energy information already prepared for state or federal
2877 agencies. Every state, county, and municipal agency shall
2878 cooperate with the commission ~~department~~ and shall submit any
2879 information on energy to the commission ~~department~~ upon request.

2880 Section 42. Section 377.606, Florida Statutes, is amended
2881 to read:

2882 377.606 Records of the commission ~~department~~; limits of
2883 confidentiality.--The information or records of individual
2884 persons, as defined herein, obtained by the commission ~~department~~
2885 as a result of a report, investigation, or verification required
2886 by the commission ~~department~~, shall be open to the public, except
2887 such information the disclosure of which would be likely to cause
2888 substantial harm to the competitive position of the person
2889 providing such information and which is requested to be held
2890 confidential by the person providing such information. Such
2891 proprietary information is confidential and exempt from the
2892 provisions of s. 119.07(1). Information reported by entities
2893 other than the commission ~~department~~ in documents or reports open
2894 to public inspection may not ~~shall under no circumstances~~ be
2895 classified as confidential by the commission ~~department~~.
2896 Divulgence of proprietary information ~~as is~~ requested to be held
2897 confidential, except upon order of a court of competent
2898 jurisdiction or except to an officer of the state entitled to
2899 receive the same in his or her official capacity, is ~~shall be~~ a
2900 misdemeanor of the second degree, punishable as provided in ss.

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2901 775.082 and 775.083. Nothing herein shall be construed to
2902 prohibit the publication or divulgence by other means of data so
2903 classified as to prevent identification of particular accounts or
2904 reports made to the commission ~~department~~ in compliance with s.
2905 377.603 or to prohibit the disclosure of such information to
2906 properly qualified legislative committees. The commission
2907 ~~department~~ shall establish a system which permits reasonable
2908 access to information developed.

2909 Section 43. Section 377.701, Florida Statutes, is amended
2910 to read:

2911 377.701 Petroleum allocation.--

2912 (1) The Florida Energy and Climate Commission ~~Department of~~
2913 ~~Environmental Protection~~ shall assume the state's role in
2914 petroleum allocation and conservation, including the development
2915 of a fair and equitable petroleum plan. The commission ~~department~~
2916 shall constitute the responsible state agency for performing the
2917 functions of any federal program delegated to the state, which
2918 relates to petroleum supply, demand, and allocation.

2919 (2) The commission ~~department~~ shall, in addition to
2920 assuming the duties and responsibilities provided by subsection
2921 (1), perform the following:

2922 (a) In projecting available supplies of petroleum,
2923 coordinate with the Department of Revenue to secure information
2924 necessary to assure the sufficiency and accuracy of data
2925 submitted by persons affected by any federal fuel allocation
2926 program.

2927 (b) Require such periodic reports from public and private
2928 sources as may be necessary to the fulfillment of its
2929 responsibilities under this act. Such reports may include:

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2930 petroleum use; all sales, including end-user sales, except retail
2931 gasoline and retail fuel oil sales; inventories; expected
2932 supplies and allocations; and petroleum conservation measures.

2933 (c) In cooperation with the Department of Revenue and other
2934 relevant state agencies, provide for long-range studies regarding
2935 the usage of petroleum in the state in order to:

2936 1. Comprehend the consumption of petroleum resources.

2937 2. Predict future petroleum demands in relation to
2938 available resources.

2939 3. Report the results of such studies to the Legislature.

2940 (3) For the purpose of determining accuracy of data, all
2941 state agencies shall timely provide the commission ~~department~~
2942 with petroleum-use information in a format suitable to the needs
2943 of the allocation program.

2944 (4) A ~~No~~ state employee may not ~~shall~~ divulge or make known
2945 in any manner any proprietary information acquired under this act
2946 if the disclosure of such information would be likely to cause
2947 substantial harm to the competitive position of the person
2948 providing such information and if the person requests that such
2949 information be held confidential, except in accordance with a
2950 court order or in the publication of statistical information
2951 compiled by methods which do ~~would~~ not disclose the identity of
2952 individual suppliers or companies. Such proprietary information
2953 is confidential and exempt from the provisions of s. 119.07(1).
2954 Nothing in this subsection shall be construed to prevent
2955 inspection of reports by the Attorney General, members of the
2956 Legislature, and interested state agencies; however, such
2957 agencies and their employees and members are bound by the
2958 requirements set forth in this subsection.

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2959 (5) Any person who willfully fails to submit information
2960 required by this act or submits false information or who violates
2961 any provision of this act commits ~~is guilty of~~ a misdemeanor of
2962 the first degree and shall be punished as provided in ss. 775.082
2963 and 775.083.

2964 Section 44. Section 377.703, Florida Statutes, is amended
2965 to read:

2966 377.703 Additional functions of the commission ~~Department~~
2967 ~~of Environmental Protection; energy emergency contingency plan;~~
2968 ~~federal and state conservation programs.--~~

2969 (1) LEGISLATIVE INTENT.--Recognizing that energy supply and
2970 demand questions have become a major area of concern to the state
2971 and which must be dealt with by effective and well-coordinated
2972 state action, it is the intent of the Legislature to promote the
2973 efficient, effective, and economical management of energy
2974 problems, centralize energy coordination responsibilities,
2975 pinpoint responsibility for conducting energy programs, and
2976 ensure the accountability of state agencies for the
2977 implementation of s. 377.601(4), the state energy policy. It is
2978 the specific intent of the Legislature that nothing in this act
2979 shall in any way change the powers, duties, and responsibilities
2980 assigned by the Florida Electrical Power Plant Siting Act, part
2981 II of chapter 403, or the powers, duties, and responsibilities of
2982 the Florida Public Service Commission.

2983 ~~(2) DEFINITIONS.--~~

2984 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
2985 ~~the examination and evaluation of state plans and programs and~~
2986 ~~the providing of recommendations to the Cabinet, Legislature, and~~
2987 ~~appropriate state agency on any measures deemed necessary to~~

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2988 ~~ensure that such plans and programs are consistent with state~~
2989 ~~energy policy.~~

2990 ~~(b) "Energy conservation" means increased efficiency in the~~
2991 ~~utilization of energy.~~

2992 ~~(c) "Energy emergency" means an actual or impending~~
2993 ~~shortage or curtailment of usable, necessary energy resources,~~
2994 ~~such that the maintenance of necessary services, the protection~~
2995 ~~of public health, safety, and welfare, or the maintenance of~~
2996 ~~basic sound economy is imperiled in any geographical section of~~
2997 ~~the state or throughout the entire state.~~

2998 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
2999 ~~power, wind power, hydroelectric power, nuclear power, or any~~
3000 ~~other resource which has the capacity to do work.~~

3001 ~~(e) "Facilities" means any building or structure not~~
3002 ~~otherwise exempted by the provisions of this act.~~

3003 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
3004 ~~coal, natural gas, or any other substance used primarily for its~~
3005 ~~energy content.~~

3006 ~~(g) "Local government" means any county, municipality,~~
3007 ~~regional planning agency, or other special district or local~~
3008 ~~governmental entity the policies or programs of which may affect~~
3009 ~~the supply or demand, or both, for energy in the state.~~

3010 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
3011 ~~assist, provide technical and financial assistance, or otherwise~~
3012 ~~seek to plan, develop, and expand.~~

3013 ~~(i) "Regional planning agency" means those agencies~~
3014 ~~designated as regional planning agencies by the Department of~~
3015 ~~Community Affairs.~~

3016 ~~(j) "Renewable energy resource" means any method, process,~~

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3017 ~~or substance the use of which does not diminish its availability~~
3018 ~~or abundance, including, but not limited to, biomass conversion,~~
3019 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
3020 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
3021 ~~and fuels derived from agricultural products.~~

3022 ~~(2)(3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF~~
3023 ~~ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department of~~
3024 ~~Environmental Protection shall, in addition to assuming the~~
3025 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
3026 perform the following functions consistent with the development
3027 of a state energy policy:

3028 (a) The commission ~~department~~ shall assume the
3029 responsibility for development of an energy emergency contingency
3030 plan to respond to serious shortages of primary and secondary
3031 energy sources. Upon a finding by the Governor, implementation of
3032 any emergency program shall be upon order of the Governor that a
3033 particular kind or type of fuel is, or that the occurrence of an
3034 event which is reasonably expected within 30 days will make the
3035 fuel, in short supply. The commission ~~department~~ shall then
3036 respond by instituting the appropriate measures of the
3037 contingency plan to meet the given emergency or energy shortage.
3038 The Governor may use ~~utilize~~ the provisions of s. 252.36(5) to
3039 carry out any emergency actions required by a serious shortage of
3040 energy sources.

3041 (b) The commission ~~department~~ shall be ~~constitute~~ the
3042 responsible ~~state agency~~ for performing or coordinating the
3043 functions of any federal energy programs delegated to the state,
3044 including energy supply, demand, conservation, or allocation.

3045 (c) The commission ~~department~~ shall analyze present and

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3046 proposed federal energy programs and make recommendations
3047 regarding those programs to the Governor.

3048 (d) The commission ~~department~~ shall coordinate efforts to
3049 seek federal support or other support for state energy
3050 activities, including energy conservation, research, or
3051 development, and shall be ~~the state agency~~ responsible for the
3052 coordination of multiagency energy conservation programs and
3053 plans.

3054 (e) The commission ~~department~~ shall analyze energy data
3055 collected and prepare long-range forecasts of energy supply and
3056 demand in coordination with the Florida Public Service
3057 Commission, which shall have responsibility for electricity and
3058 natural gas forecasts. To this end, the forecasts shall contain:

3059 1. An analysis of the relationship of state economic growth
3060 and development to energy supply and demand, including the
3061 constraints to economic growth resulting from energy supply
3062 constraints.

3063 2. Plans for the development of renewable energy resources
3064 and reduction in dependence on depletable energy resources,
3065 particularly oil and natural gas, and an analysis of the extent
3066 to which renewable energy sources are being utilized in the
3067 state.

3068 3. Consideration of alternative scenarios of statewide
3069 energy supply and demand for 5, 10, and 20 years, to identify
3070 strategies for long-range action, including identification of
3071 potential social, economic, and environmental effects.

3072 4. An assessment of the state's energy resources, including
3073 examination of the availability of commercially developable and
3074 imported fuels, and an analysis of anticipated effects on the

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3075 state's environment and social services resulting from energy
3076 resource development activities or from energy supply
3077 constraints, or both.

3078 (f) The commission ~~department~~ shall annually prepare and
3079 submit ~~make~~ a report, ~~as requested by~~ to the Governor and ~~or~~ the
3080 Legislature, reflecting its activities and making recommendations
3081 of policies for improvement of the state's response to energy
3082 supply and demand and its effect on the health, safety, and
3083 welfare of the people of Florida. The report shall include a
3084 report from the Florida Public Service Commission on electricity
3085 and natural gas and information on energy conservation programs
3086 conducted and under way in the past year and shall include
3087 recommendations for energy conservation programs for the state,
3088 including, but not limited to, the following factors:

3089 1. Formulation of specific recommendations for improvement
3090 in the efficiency of energy utilization in governmental,
3091 residential, commercial, industrial, and transportation sectors.

3092 2. Collection and dissemination of information relating to
3093 energy conservation.

3094 3. Development and conduct of educational and training
3095 programs relating to energy conservation.

3096 4. An analysis of the ways in which state agencies are
3097 seeking to implement s. 377.601(4), the state energy policy, and
3098 recommendations for better fulfilling this policy.

3099 (g) The commission is authorized ~~department has authority~~
3100 to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
3101 the provisions of this act.

3102 (h) The commission shall promote ~~Promote~~ the development
3103 and use of renewable energy resources, in conformance with the

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3104 provisions of chapter 187 and s. 377.601, by:

3105 1. Establishing goals and strategies for increasing the use
3106 of solar energy in this state.

3107 2. Aiding and promoting the commercialization of solar
3108 energy technology, in cooperation with the Florida Solar Energy
3109 Center, Enterprise Florida, Inc., and any other federal, state,
3110 or local governmental agency which may seek to promote research,
3111 development, and demonstration of solar energy equipment and
3112 technology.

3113 3. Identifying barriers to greater use of solar energy
3114 systems in this state, and developing specific recommendations
3115 for overcoming identified barriers, with findings and
3116 recommendations to be submitted annually in the report to the
3117 Legislature required under paragraph (f).

3118 4. In cooperation with the Department of Environmental
3119 Protection, Department of Transportation, the Department of
3120 Community Affairs, Enterprise Florida, Inc., the Florida Solar
3121 Energy Center, and the Florida Solar Energy Industries
3122 Association, investigating opportunities, pursuant to the
3123 National Energy Policy Act of 1992 and the Housing and Community
3124 Development Act of 1992, and any subsequent federal legislation,
3125 for solar electric vehicles and other solar energy manufacturing,
3126 distribution, installation, and financing efforts which will
3127 enhance this state's position as the leader in solar energy
3128 research, development, and use.

3129 5. Undertaking other initiatives to advance the development
3130 and use of renewable energy resources in this state.

3131

3132 In the exercise of its responsibilities under this paragraph, the

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3133 commission ~~department~~ shall seek the assistance of the solar
3134 energy industry in this state and other interested parties and is
3135 authorized to enter into contracts, retain professional
3136 consulting services, and expend funds appropriated by the
3137 Legislature for such purposes.

3138 (i) The commission ~~department~~ shall promote energy
3139 conservation in all energy use sectors throughout the state and
3140 shall constitute the state agency primarily responsible for this
3141 function. To this end, the department shall coordinate the energy
3142 conservation programs of all state agencies and review and
3143 comment on the energy conservation programs of all state
3144 agencies.

3145 (j) The commission ~~department~~ shall serve as the state
3146 clearinghouse for indexing and gathering all information related
3147 to energy programs in state universities, in private
3148 universities, in federal, state, and local government agencies,
3149 and in private industry and shall prepare and distribute such
3150 information in any manner necessary to inform and advise the
3151 citizens of the state of such programs and activities. This
3152 includes ~~shall include~~ developing and maintaining a current index
3153 and profile of all research activities, which shall be identified
3154 by energy area and may include a summary of the project, the
3155 amount and sources of funding, anticipated completion dates, or,
3156 in case of completed research, conclusions, recommendations, and
3157 applicability to state government and private sector functions.
3158 The commission ~~department~~ shall coordinate, promote, and respond
3159 to efforts by all sectors of the economy to seek financial
3160 support for energy activities. The commission ~~department~~ shall
3161 provide information to consumers regarding the anticipated

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3162 energy-use and energy-saving characteristics of products and
3163 services in coordination with any federal, state, or local
3164 governmental agencies that ~~as~~ may provide such information to
3165 consumers.

3166 (k) The commission ~~department~~ shall coordinate energy-
3167 related programs of state government, including, but not limited
3168 to, the programs provided in this section. To this end, the
3169 commission ~~department~~ shall:

3170 1. Provide assistance to other state agencies, counties,
3171 municipalities, and regional planning agencies to further and
3172 promote their energy planning activities.

3173 2. Require, in cooperation with the Department of
3174 Management Services, all state agencies to operate state-owned
3175 and state-leased buildings in accordance with energy conservation
3176 standards as adopted by the Department of Management Services.
3177 Every 3 months, the Department of Management Services shall
3178 furnish the commission ~~department~~ data on agencies' energy
3179 consumption and emissions of greenhouse gases in a format
3180 prescribed by the commission. ~~mutually agreed upon by the two~~
3181 ~~departments.~~

3182 3. Promote the development and use of renewable energy
3183 resources, energy efficiency technologies, and conservation
3184 measures.

3185 4. Promote the recovery of energy from wastes, including,
3186 but not limited to, the use of waste heat, the use of
3187 agricultural products as a source of energy, and recycling of
3188 manufactured products. Such promotion shall be conducted in
3189 conjunction with, and after consultation with, the Department of
3190 Environmental Protection, the Florida Public Service Commission

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3191 ~~if where~~ electrical generation or natural gas is involved, and
3192 any other relevant federal, state, or local governmental agency
3193 having responsibility for resource recovery programs.

3194 (1) The commission ~~department~~ shall develop, coordinate,
3195 and promote a comprehensive research plan for state programs.
3196 Such plan shall be consistent with state energy policy and shall
3197 be updated on a biennial basis.

3198 (m) In recognition of the devastation to the economy of
3199 this state and the dangers to the health and welfare of state
3200 residents ~~of this state~~ caused by severe hurricanes, ~~Hurricane~~
3201 ~~Andrew~~, and the potential for such impacts caused by other
3202 natural disasters, the commission ~~department~~ shall include in its
3203 energy emergency contingency plan and provide to the Florida
3204 Building Commission ~~Department of Community Affairs~~ for inclusion
3205 in the Florida Energy Efficiency Code for Building Construction
3206 ~~state model energy efficiency building code~~ specific provisions
3207 to facilitate the use of cost-effective solar energy technologies
3208 as emergency remedial and preventive measures for providing
3209 electric power, street lighting, and water heating service in the
3210 event of electric power outages.

3211 (3)~~(4)~~ The commission ~~department~~ shall be responsible for
3212 the administration of the Coastal Energy Impact Program provided
3213 for and described in ~~Pub. L. No. 94-370~~, 16 U.S.C. s. 1456a.

3214 Section 45. Paragraph (a) of subsection (2) of section
3215 377.705, Florida Statutes, is amended to read:

3216 377.705 Solar Energy Center; development of solar energy
3217 standards.--

3218 (2) LEGISLATIVE FINDINGS AND INTENT.--

3219 (a) The Legislature recognizes that ~~if present trends~~

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3220 ~~continue, Florida will increase present energy consumption~~
3221 ~~sixfold by the year 2000. Because of this dramatic increase and~~
3222 ~~because existing domestic conventional energy resources will not~~
3223 ~~provide sufficient energy to meet the nation's future needs, new~~
3224 ~~sources of energy must be developed and applied. One such source,~~
3225 ~~solar energy, has been in limited use in Florida for 30 years.~~
3226 ~~Applications of incident solar energy, the use of solar radiation~~
3227 ~~to provide energy for water heating, space heating, space~~
3228 ~~cooling, and other uses, through suitable absorbing equipment on~~
3229 ~~or near a residence or commercial structure, must be extensively~~
3230 ~~expanded. Unfortunately, the initial costs with regard to the~~
3231 ~~production of solar energy have been prohibitively expensive.~~
3232 ~~However,~~ because of increases in the cost of conventional fuel,
3233 certain applications of solar energy are becoming competitive,
3234 particularly when life-cycle costs are considered. It is the
3235 intent of the Legislature in formulating a sound and balanced
3236 energy policy for the state to encourage the development of an
3237 alternative energy capability in the form of incident solar
3238 energy.

3239 Section 46. Section 377.801, Florida Statutes, is amended
3240 to read:

3241 377.801 Short title.--Sections 377.801-377.806 may be cited
3242 as the "Florida Energy and Climate Protection ~~Florida Renewable~~
3243 ~~Energy Technologies and Energy Efficiency Act.~~"

3244 Section 47. Section 377.802, Florida Statutes, is amended
3245 to read:

3246 377.802 Purpose.--This act is intended to provide
3247 incentives for Florida's citizens, businesses, school districts
3248 and local governments to take action to diversify Florida's

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3249 energy supplies, reduce dependence on foreign oil, and mitigate
3250 the effects of climate change by providing funding for activities
3251 designed to achieve these goals. The grant programs in this act
3252 are intended to stimulate capital investment and enhance the
3253 market for renewable energy technologies and technologies
3254 intended to diversify Florida's energy supplies, reduce
3255 dependence on foreign oil, and combat or limit climate change
3256 impacts. This act is also intended to provide incentives for the
3257 purchase of energy-efficient appliances and rebates for solar
3258 energy equipment installations for residential and commercial
3259 buildings matching grants to stimulate capital investment in the
3260 state and to enhance the market for and promote the statewide
3261 utilization of renewable energy technologies. The targeted grants
3262 program is designed to advance the already growing establishment
3263 of renewable energy technologies in the state and encourage the
3264 use of other incentives such as tax exemptions and regulatory
3265 certainty to attract additional renewable energy technology
3266 producers, developers, and users to the state. This act is also
3267 intended to provide incentives for the purchase of energy-
3268 efficient appliances and rebates for solar energy equipment
3269 installations for residential and commercial buildings.

3270 Section 48. Section 377.803, Florida Statutes, is amended
3271 to read:

3272 377.803 Definitions.--As used in ss. 377.801-377.806, the
3273 term:

3274 (1) "Act" means the Florida Energy and Climate Protection
3275 Act ~~Florida Renewable Energy Technologies and Energy Efficiency~~
3276 ~~Act.~~

3277 (2) ~~"Approved metering equipment" means a device capable of~~

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3278 ~~measuring the energy output of a solar thermal system that has~~
3279 ~~been approved by the commission.~~

3280 (2)~~(3)~~ "Commission" means the Florida Public Service
3281 Commission.

3282 ~~(4)~~ "Department" means the Department of Environmental
3283 Protection.

3284 (3)~~(5)~~ "Person" means an individual, partnership, joint
3285 venture, private or public corporation, association, firm, public
3286 service company, or any other public or private entity.

3287 (4)~~(6)~~ "Renewable energy" means electrical, mechanical, or
3288 thermal energy produced from a method that uses one or more of
3289 the following fuels or energy sources: hydrogen, biomass, solar
3290 energy, geothermal energy, wind energy, ocean energy, waste heat,
3291 or hydroelectric power.

3292 (5)~~(7)~~ "Renewable energy technology" means any technology
3293 that generates or utilizes a renewable energy resource.

3294 (6)~~(8)~~ "Solar energy system" means equipment that provides
3295 for the collection and use of incident solar energy for water
3296 heating, space heating or cooling, or other applications that
3297 would normally require a conventional source of energy such as
3298 petroleum products, natural gas, or electricity that performs
3299 primarily with solar energy. In other systems in which solar
3300 energy is used in a supplemental way, only those components that
3301 collect and transfer solar energy are ~~shall be~~ included in this
3302 definition.

3303 (7)~~(9)~~ "Solar photovoltaic system" means a device that
3304 converts incident sunlight into electrical current.

3305 (8)~~(10)~~ "Solar thermal system" means a device that traps
3306 heat from incident sunlight in order to heat water.

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3307 Section 49. Section 377.804, Florida Statutes, as amended
3308 by section 52 of chapter 2007-73, Laws of Florida, is amended to
3309 read:

3310 377.804 Renewable Energy and Energy Efficient Technologies
3311 Grants Program.--

3312 (1) The Renewable Energy and Energy Efficient Technologies
3313 Grants Program is established within the commission ~~department~~ to
3314 provide renewable energy matching grants for demonstration,
3315 commercialization, research, and development projects relating to
3316 renewable energy technologies and innovative technologies that
3317 significantly increase energy efficiency for vehicles and
3318 commercial buildings.

3319 (2) Matching grants for renewable energy technology
3320 demonstration, commercialization, research, and development
3321 projects may be made to any of the following:

3322 (a) Municipalities and county governments.

3323 (b) Established for-profit companies licensed to do
3324 business in the state.

3325 (c) Universities and colleges in the state.

3326 (d) Utilities located and operating within the state.

3327 (e) Not-for-profit organizations.

3328 (f) Other qualified persons, as determined by the
3329 commission ~~department~~.

3330 (3) The department may adopt rules pursuant to ss.
3331 120.536(1) and 120.54 to provide for application requirements,
3332 provide for ranking of applications, and administer the awarding
3333 of grants under this program, and develop policies requiring
3334 grantees to provide royalty-sharing or licensing agreements with
3335 the state for commercialized products developed under a state

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3336 grant. All grants may be reviewed by a peer-review process of
3337 experts. Up to 5 percent of all grants may be used to pay review
3338 expenses, if necessary.

3339 (4) Factors the commission ~~department~~ shall consider in
3340 awarding grants include, but are not limited to:

3341 (a) The availability of matching funds or other in-kind
3342 contributions applied to the total project from an applicant. The
3343 commission ~~department~~ shall give greater preference to projects
3344 that provide such matching funds or other in-kind contributions.

3345 (b) The degree to which the project stimulates in-state
3346 capital investment and economic development in metropolitan and
3347 rural areas, including the creation of jobs and the future
3348 development of a commercial market for renewable energy
3349 technologies.

3350 (c) The extent to which the proposed project has been
3351 demonstrated to be technically feasible based on pilot project
3352 demonstrations, laboratory testing, scientific modeling, or
3353 engineering or chemical theory that supports the proposal.

3354 (d) The degree to which the project incorporates an
3355 innovative new technology or an innovative application of an
3356 existing technology.

3357 (e) The degree to which a project generates thermal,
3358 mechanical, or electrical energy by means of a renewable energy
3359 resource that has substantial long-term production potential.

3360 (f) The degree to which a project demonstrates efficient
3361 use of energy and material resources.

3362 (g) The degree to which the project fosters overall
3363 understanding and appreciation of renewable energy technologies.

3364 (h) The ability to administer a complete project.

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- 3365 (i) Project duration and timeline for expenditures.
- 3366 (j) The geographic area in which the project is to be
3367 conducted in relation to other projects.
- 3368 (k) The degree of public visibility and interaction.
- 3369 (5) The commission ~~department~~ shall solicit the expertise
3370 of other state agencies in evaluating project proposals. State
3371 agencies shall cooperate with the commission ~~Department of~~
3372 ~~Environmental Protection~~ and provide such assistance as
3373 requested.
- 3374 (6) The commission ~~department~~ shall coordinate and actively
3375 consult with the Department of Agriculture and Consumer Services
3376 during the review and approval process of grants relating to
3377 bioenergy projects for renewable energy technology, ~~and the~~
3378 ~~departments shall jointly determine the grant awards to these~~
3379 ~~bioenergy projects. No grant funding shall be awarded to any~~
3380 ~~bioenergy project without such joint approval.~~ Factors for
3381 consideration in awarding grants may include, but are not limited
3382 to, the degree to which:
- 3383 (a) The project stimulates in-state capital investment and
3384 economic development in metropolitan and rural areas, including
3385 the creation of jobs and the future development of a commercial
3386 market for bioenergy.
- 3387 (b) The project produces bioenergy from Florida-grown crops
3388 or biomass.
- 3389 (c) The project demonstrates efficient use of energy and
3390 material resources.
- 3391 (d) The project fosters overall understanding and
3392 appreciation of bioenergy technologies.
- 3393 (e) Matching funds and in-kind contributions from an

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3394 applicant are available.

3395 (f) The project duration and the timeline for expenditures
3396 are acceptable.

3397 (g) The project has a reasonable assurance of enhancing the
3398 value of agricultural products or will expand agribusiness in the
3399 state.

3400 (h) Preliminary market and feasibility research has been
3401 conducted by the applicant or others and shows there is a
3402 reasonable assurance of a potential market.

3403 (7) Each application must be accompanied by an affidavit
3404 from the applicant attesting to the veracity of the statements
3405 contained in the application.

3406 Section 50. Section 377.808, Florida Statutes, is created
3407 to read:

3408 377.808 Florida Green Government Grants Act.--

3409 (1) This section may be cited as the "Florida Green
3410 Government Grants Act."

3411 (2) The Florida Energy and Climate Commission shall use
3412 funds specifically appropriated to award grants under this
3413 section to assist local governments, including municipalities,
3414 counties, and school districts, in the development of programs
3415 that achieve green standards. Those standards shall be determined
3416 by the commission and must provide for cost-efficient solutions,
3417 reducing greenhouse gas emissions, improving quality of life, and
3418 strengthening this state's economy.

3419 (3) The commission shall adopt rules pursuant to chapter
3420 120 to administer the grants provided for in this section. In
3421 accordance with such rules, the commission may provide grants
3422 from funds specifically appropriated for this purpose to local

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3423 governments for the costs of achieving green standards, including
3424 necessary administrative expenses. The rules of the commission
3425 must:

3426 (a) Designate one or more suitable green government
3427 standards framework from which local governments may develop a
3428 greening government initiative, and from which projects may be
3429 eligible for funding pursuant to this statute may be developed.

3430 (b) Require projects that plan, design, construct, upgrade,
3431 or replace facilities be cost-effective, environmentally sound,
3432 reduce greenhouse gas emissions, and be permissible and
3433 implementable.

3434 (c) Require local governments to match state funds with
3435 direct project cost share or in-kind services.

3436 (d) Provide for a scale of matching requirements for local
3437 governments on the basis of population in order to assist rural
3438 and undeveloped areas of the state with any financial burden of
3439 addressing climate change impacts.

3440 (e) Require grant applications to be submitted on
3441 appropriate forms developed and adopted by the commission with
3442 appropriate supporting documentation and require records to be
3443 maintained.

3444 (f) Establish a system to determine the relative priority
3445 of grant applications. The system must consider greenhouse gas
3446 reductions, energy savings and efficiencies, and proven
3447 technologies.

3448 (g) Establish requirements for competitive procurement of
3449 engineering and construction services, materials, and equipment.

3450 (h) Provide for the termination of grants when program
3451 requirements are not met.

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3452 (4) Each local government is limited to not more than two
3453 grant applications during each application period announced by
3454 the commission. A local government may not have more than three
3455 active projects expending grant funds during any state fiscal
3456 year.

3457 (5) The commission shall perform adequate overview of each
3458 grant, which may include technical review, site inspections,
3459 disbursement approvals, and auditing to successfully implement
3460 this section.

3461 Section 51. Section 377.901, Florida Statutes, is repealed.

3462 Section 52. All of the records, property, unexpended
3463 balances of appropriations and personnel related to the Florida
3464 Energy Commission for the administration and implementation of s.
3465 377.901, Florida Statutes, shall be transferred from the Office
3466 of Legislative Services to the Executive Office of the Governor.
3467 The Executive Office of the Governor is authorized to establish
3468 four full time equivalent positions to staff the Florida Energy
3469 and Climate Commission.

3470 Section 53. Section 377.921, Florida Statutes, is created
3471 to read:

3472 377.921 Qualified solar energy system program.--The
3473 Legislature finds that qualified solar energy systems provide
3474 fuel savings and can help protect against future electricity and
3475 natural gas shortages, reduce the state's dependence on foreign
3476 sources of energy, and improve environmental conditions. The
3477 Legislature further finds that the deployment of qualified solar
3478 energy systems advances Florida's goals of promoting energy
3479 efficiency and the development of renewable energy resources.
3480 Therefore, the Legislature finds that it is in the public

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3481 interest to encourage public utilities to develop and implement
3482 programs that promote the deployment and use of qualified solar
3483 energy systems.

3484 (2) As used in this section:

3485 (a) "Qualified solar energy system" means a solar thermal
3486 water heating system installed at a customer's premises under a
3487 program administered and facilitated by a public utility. In
3488 order for a system to be deemed as qualified under this section,
3489 the public utility must incur all costs of the purchase and
3490 installation of the system, whether directly or indirectly
3491 through a customer rebate.

3492 (b) "Public utility" or "utility" means a utility as
3493 defined in s. 366.02(1).

3494 (c) "Eligible program" means a program developed by a
3495 public utility and approved by the commission pursuant to
3496 subsection (5) under which the utility facilitates the
3497 installation of solar thermal water heating systems at a utility
3498 customer's premises.

3499 (d) "Program fuel cost savings" means the total fuel cost
3500 savings that a utility is projected to achieve from all solar
3501 thermal water heating systems installed at a customer's premises
3502 over the life of the qualified solar energy system.

3503 (e) "Program costs" means all costs incurred in
3504 implementing an eligible program, including, but not limited to:

3505 1. In-service capital investments, including the utility's
3506 last authorized rate of return thereon; and

3507 2. Operating and maintenance expense, including, but not
3508 limited to, labor, overhead, materials, advertising, marketing,
3509 customer incentives, or rebates.

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3510 (3) Notwithstanding any provision in chapter 366 or rule to
3511 the contrary, a public utility shall be allowed to recover
3512 through the energy conservation cost-recovery clause, either as
3513 period expenses or by capitalizing and amortizing, all prudent
3514 and reasonable program costs incurred in implementing an eligible
3515 program. With respect to any solar hot water heating system, the
3516 amortization period shall be 5 years.

3517 (4) Notwithstanding any provision in chapter 366 or rule to
3518 the contrary, and in addition to recovery under subsection (3), a
3519 utility shall be allowed to recover through the fuel cost-
3520 recovery clause beginning in the year each solar thermal water
3521 heating system begins operation 50 percent of any such program
3522 fuel cost savings for five years from the installation date. The
3523 remaining 50 percent of fuel saving shall be returned to the
3524 utility's customers through the fuel cost-recovery clause.

3525 (5) Notwithstanding any provision in chapter 366 or rule to
3526 the contrary, the commission shall enter an order approving a
3527 public utility's qualified solar energy system program if the
3528 utility demonstrates in a petition that:

3529 (a) The qualified solar energy systems to be installed as
3530 part of the program at minimum meet applicable Solar Rating and
3531 Certification Corporation OG-300 certification requirements.

3532 (b) The qualified solar energy systems are constructed and
3533 installed in conformity with the manufacturer's specifications
3534 and all applicable codes and standards.

3535 (6) Within 60 days after receiving a petition to approve a
3536 qualified solar energy system program, the commission shall
3537 approve the petition or inform the utility of any deficiencies
3538 therein. If the commission informs the utility of deficiencies,

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3539 the utility may correct those deficiencies and refile its
3540 petition to approve the qualified solar energy system program.

3541 (7) In order to encourage public utilities to promote the
3542 deployment and use of qualified solar energy systems, the public
3543 utility shall own the renewable attributes or benefits associated
3544 with the energy output of a qualified solar energy system
3545 installed pursuant to an eligible program, including any
3546 renewable energy credit or other instrument issued as a result of
3547 the utility's eligible program.

3548 (8) This section shall sunset on June 30, 2011 unless
3549 reenacted by the Legislature. Utilities may not enroll new
3550 customers in the qualified solar energy program after June 30,
3551 2011 unless this section is reenacted.

3552 Section 54. Paragraph (c) of subsection (3) of section
3553 380.23, Florida Statutes, is amended to read:

3554 380.23 Federal consistency.--

3555 (3) Consistency review shall be limited to review of the
3556 following activities, uses, and projects to ensure that such
3557 activities, uses, and projects are conducted in accordance with
3558 the state's coastal management program:

3559 (c) Federally licensed or permitted activities affecting
3560 land or water uses when such activities are in or seaward of the
3561 jurisdiction of local governments required to develop a coastal
3562 zone protection element as provided in s. 380.24 and when such
3563 activities involve:

3564 1. Permits and licenses required under the Rivers and
3565 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3566 2. Permits and licenses required under the Marine
3567 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.

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3568 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3569 3. Permits and licenses required under the Federal Water
3570 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3571 amended, unless such permitting activities have been delegated to
3572 the state pursuant to said act.

3573 4. Permits and licenses relating to the transportation of
3574 hazardous substance materials or transportation and dumping which
3575 are issued pursuant to the Hazardous Materials Transportation
3576 Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s.
3577 1321, as amended.

3578 5. Permits and licenses required under 15 U.S.C. ss. 717-
3579 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-
3580 1356 for construction and operation of interstate gas pipelines
3581 and storage facilities.

3582 6. Permits and licenses required for the siting and
3583 construction of any new electrical power plants as defined in s.
3584 403.503(14) ~~s. 403.503(13)~~, as amended, and the licensing and
3585 relicensing of hydroelectric power plants under the Federal Power
3586 Act, 16 U.S.C. ss. 791a et seq., as amended.

3587 7. Permits and licenses required under the Mining Law of
3588 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
3589 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
3590 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
3591 amended; the Federal Land Policy and Management Act, 43 U.S.C.
3592 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
3593 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
3594 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
3595 pipelines, geological and geophysical activities, or rights-of-
3596 way on public lands and permits and licenses required under the

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3597 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
3598 amended.

3599 8. Permits and licenses for areas leased under the OCS
3600 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
3601 leases and approvals of exploration, development, and production
3602 plans.

3603 9. Permits and licenses required under the Deepwater Port
3604 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3605 10. Permits required for the taking of marine mammals under
3606 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
3607 s. 1374.

3608 Section 55. Subsection (20) of section 403.031, Florida
3609 Statutes, is amended to read:

3610 403.031 Definitions.--In construing this chapter, or rules
3611 and regulations adopted pursuant hereto, the following words,
3612 phrases, or terms, unless the context otherwise indicates, have
3613 the following meanings:

3614 (20) "Electrical power plant" means, for purposes of this
3615 part of this chapter, any electrical generating facility that
3616 uses any process or fuel and that is owned or operated by an
3617 electric utility, as defined in s. 403.503(14) ~~s. 403.503(13)~~,
3618 and includes any associated facility that directly supports the
3619 operation of the electrical power plant.

3620 Section 56. Section 403.44, Florida Statutes, is created to
3621 read:

3622 403.44 Florida Climate Protection Act.--

3623 (1) The Legislature finds it is in the best interest of
3624 this state to document, to the greatest extent practicable,
3625 greenhouse gas (GHG) emissions and to pursue a market-based

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3626 emissions abatement program, such as cap-and-trade, to address
3627 GHG emissions reductions.

3628 (2) As used in this section, the term:

3629 (a) "Allowance" means a credit issued by the department
3630 through allotments or auction which represents an authorization
3631 to emit specific amounts of greenhouse gases, as further defined
3632 in department rule.

3633 (b) "Cap-and-trade" or "emissions trading" means an
3634 administrative approach used to control pollution by providing a
3635 limit on total allowable emissions, providing for allowances to
3636 emit pollutants, and providing for the transfer of the allowances
3637 among pollutant sources as a means of compliance with emission
3638 limits.

3639 (c) "Greenhouse gas" means carbon dioxide, methane, nitrous
3640 oxide, and fluorinated gases such as hydrofluorocarbons,
3641 perfluorocarbons, and sulfur hexafluoride.

3642 (d) "Leakage" means the offset of emission abatement that
3643 is achieved in one location subject to emission control
3644 regulation by increased emissions in unregulated locations.

3645 (e) "Major emitter" means an electric utility regulated
3646 under this chapter.

3647 (3) A major emitter must use The Climate Registry for
3648 purposes of emission registration and reporting.

3649 (4) The Department of Environmental Protection shall
3650 establish the methodologies, reporting periods, and reporting
3651 systems that must be used when major emitters report to The
3652 Climate Registry. The department may require the use of quality
3653 assured data from continuous emissions-monitoring systems.

3654 (5) The department may adopt rules for a cap-and-trade

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3655 regulatory program to reduce greenhouse gas emissions from major
3656 emitters. When developing the rules, the department shall consult
3657 with the Florida Energy and Climate Commission and the Public
3658 Service Commission, and may consult with the Governor's Action
3659 Team for Energy and Climate Change. The department shall not
3660 adopt rules until after January 1, 2010. The rules shall not
3661 become effective until ratified by the Legislature.

3662 (6) The rules of the cap-and-trade regulatory program shall
3663 include, but are not limited to:

3664 (a) A statewide limit or cap on the amount of GHG emissions
3665 emitted by major emitters.

3666 (b) Methods, requirements, and conditions for allocating
3667 the cap among major emitters.

3668 (c) Methods, requirements, and conditions for emissions
3669 allowances and the process for issuing emissions allowances.

3670 (d) The relationship between allowances and the specific
3671 amounts of greenhouse gases they represent.

3672 (e) The length of allowance periods and the time over which
3673 entities must account for emissions and surrender allowances
3674 equal to emissions.

3675 (f) The time path of allowances from the initiation of the
3676 program through to 2050.

3677 (g) A process for the trade of allowances between major
3678 emitters, including a registry, tracking, or accounting system
3679 for such trades.

3680 (h) Cost containment mechanisms to reduce price and cost
3681 risks associated with the electric generation market in this
3682 state. Cost containment mechanisms to be considered for inclusion
3683 in the rule include, but are not limited to:

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3684 1. Allowing major emitters to borrow allowances from
3685 future time periods to meet their emission limit.

3686 2. Allowing major emitters to bank emission reductions in
3687 the current year to be used to meet emission limits in future
3688 years.

3689 3. Allowing major emitters to purchase emissions offsets
3690 from other entities who produce verifiable reductions in
3691 unregulated greenhouse gas emissions or who produce verifiable
3692 reductions in greenhouse gases through voluntary practices that
3693 capture and store greenhouse gases that otherwise would be
3694 released into the atmosphere. In considering this cost
3695 containment mechanism, the department shall identify sectors and
3696 activities outside of the capped sectors, including other state
3697 or international activities, and the conditions under which
3698 reductions there can be credited against emissions of capped
3699 entities in place of allowances issued by the department. The
3700 department shall also consider potential methods, and their
3701 effectiveness, to avoid double-incentivizing such activities.

3702 4. Providing a safety valve mechanism to ensure that the
3703 market prices for allowances or offsets do not surpass a
3704 predetermined level compatible with the affordability of electric
3705 utility rates and the well being of the state's economy. In
3706 considering this cost containment mechanism, the department shall
3707 evaluate different price levels for the safety valve and methods
3708 to change the price level over time to reflect changing state,
3709 federal and international markets, regulatory environments, and
3710 technological advancements.

3711
3712 In considering cost containment mechanisms for inclusion in the

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3713 rule, the department shall evaluate the anticipated overall
3714 effect of each mechanism on the abatement of greenhouse gas
3715 emissions, electricity rate payers, and the benefits and costs of
3716 each to the state's economy, and shall also consider the
3717 interrelationships between the mechanisms under consideration.

3718 (i) A process to allow the department to exercise its
3719 authority to discourage leakage of GHG emissions to neighboring
3720 states attributable to the implementation of this program.

3721 (j) Provisions for a trial period on the trading of
3722 allowances before full implementation of a trading system.

3723 (7) In recommending and evaluating proposed features of the
3724 cap and trade system, the following factors shall be considered:

3725 (a) The overall cost-effectiveness of the cap and trade
3726 system in combination with other policies and measures in meeting
3727 statewide targets.

3728 (b) Minimizing the administrative burden to the state of
3729 implementing, monitoring and enforcing the program.

3730 (c) Minimizing the administrative burden on entities
3731 covered under the cap.

3732 (d) The impacts on electricity prices for consumers.

3733 (e) The specific benefits to Florida's economy for early
3734 adoption of a cap-and-trade system for greenhouse gases in the
3735 context of a federal climate change legislation and the
3736 development of international compacts.

3737 (f) The specific benefits to Florida's economy associated
3738 with the creation and sale of emissions offsets from economic
3739 sectors outside of the emissions cap.

3740 (g) The potential effects of leakage if economic activity
3741 relocates out of the state.

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3742 (h) The effectiveness of the combination of measures in
3743 meeting identified targets.

3744 (i) The implications for near-term periods of long run
3745 targets specified in the overall policy.

3746 (j) The overall costs and benefits of a cap-and-trade
3747 system to the economy of this state.

3748 (k) How to moderate impacts on low income consumers that
3749 result from energy price increases.

3750 (l) Consistency of the program with other state and
3751 possible Federal efforts.

3752 (m) The feasibility and const-effectiveness of extending
3753 the program scope as broadly as possible among emitting
3754 activities and sinks in Florida.

3755 (n) Evaluation of the conditions under which Florida should
3756 consider linking its trading system to other states' or other
3757 countries' systems, and how that might be affected by the
3758 potential inclusion in the rule of safety valve.

3759 (8) Recognizing that the international, national,
3760 neighboring state policies and the science of climate change will
3761 evolve, prior to submitting the proposed rules to the Legislature
3762 for its consideration, the department shall submit the proposed
3763 rules to the Florida Energy and Climate Commission, which shall
3764 review the proposed rule and submit a report to the Governor, the
3765 President of the Florida Senate, the Speaker of the Florida House
3766 of Representatives, and the department. The report shall address:

3767 (a) The overall cost-effectiveness of the proposed cap and
3768 trade system in combination with other policies and measures in
3769 meeting statewide targets.

3770 (b) The administrative burden to the state of implementing,

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- 3771 monitoring and enforcing the program.
- 3772 (c) The administrative burden on entities covered under the
3773 cap.
- 3774 (d) The impacts on electricity prices for consumers.
- 3775 (e) The specific benefits to Florida's economy for early
3776 adoption of a cap-and-trade system for greenhouse gases in the
3777 context of federal climate change legislation and development of
3778 new international compacts.
- 3779 (f) The specific benefits to Florida's economy associated
3780 with the creation and sale of emissions offsets from economic
3781 sectors outside the emissions cap.
- 3782 (g) The potential effects on leakage if economic activity
3783 relocates out of the state.
- 3784 (h) The effectiveness of the combination of measures in
3785 meeting identified targets.
- 3786 (i) The economic implications for near-term periods of
3787 short-term and long-term targets specified in the overall policy.
- 3788 (j) The overall costs and benefits of a cap-and-trade
3789 system to the economy of this state.
- 3790 (k) The impacts on low income consumers that result from
3791 energy price increases.
- 3792 (l) The consistency of the program with other states and
3793 possible Federal efforts.
- 3794 (m) The evaluation of the conditions under which Florida
3795 should consider linking its trading system to other states' or
3796 other countries' systems, and how that might be affected by the
3797 potential inclusion in the rule of a safety valve.
- 3798 (n) The timing and changes in the external environment,
3799 such as proposals by other states or implementation of a Federal

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3800 program that would spur reevaluation of the Florida program.

3801 (o) The conditions and options for eliminating the Florida
3802 program if a Federal program were to supplant it.

3803 (p) The need for a regular re-evaluation of the progress of
3804 other emitting regions of the country and of the world, and
3805 whether other regions are abating emissions in a commensurate
3806 manner.

3807 (q) The desirability of and possibilities of broadening the
3808 scope of Florida's cap and trade system at a later date to
3809 include more emitting activities as well as sinks in Florida, and
3810 the conditions that would need to be met to do so, as well as how
3811 the program would encourage these conditions to be met such as
3812 developing monitoring and measuring techniques for land use
3813 emissions and sinks, regulating sources up stream, and other
3814 considerations.

3815 Section 57. Section 403.502, Florida Statutes, is amended
3816 to read:

3817 403.502 Legislative intent.--The Legislature finds that the
3818 present and predicted growth in electric power demands in this
3819 state requires the development of a procedure for the selection
3820 and utilization of sites for electrical generating facilities and
3821 the identification of a state position with respect to each
3822 proposed site and its associated facilities. The Legislature
3823 recognizes that the selection of sites and the routing of
3824 associated facilities including transmission lines will have a
3825 significant impact upon the welfare of the population, the
3826 location and growth of industry, and the use of the natural
3827 resources of the state. The Legislature finds that the efficiency
3828 of the permit application and review process at both the state

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3829 and local level would be improved with the implementation of a
3830 process whereby a permit application would be centrally
3831 coordinated and all permit decisions could be reviewed on the
3832 basis of standards and recommendations of the deciding agencies.
3833 It is the policy of this state that, while recognizing the
3834 pressing need for increased power generation facilities, the
3835 state shall ensure through available and reasonable methods that
3836 the location and operation of electrical power plants will
3837 produce minimal adverse effects on human health, the environment,
3838 the ecology of the land and its wildlife, and the ecology of
3839 state waters and their aquatic life and will not unduly conflict
3840 with the goals established by the applicable local comprehensive
3841 plans. It is the intent to seek courses of action that will fully
3842 balance the increasing demands for electrical power plant
3843 location and operation with the broad interests of the public.
3844 Such action will be based on these premises:

3845 (1) To assure the citizens of Florida that operation
3846 safeguards are technically sufficient for their welfare and
3847 protection.

3848 (2) To effect a reasonable balance between the need for the
3849 facility and the environmental impact resulting from construction
3850 and operation of the facility, including air and water quality,
3851 fish and wildlife, and the water resources and other natural
3852 resources of the state.

3853 (3) To meet the need for electrical energy as established
3854 pursuant to s. 403.519.

3855 (4) To assure the citizens of Florida that renewable energy
3856 sources and technologies, as well as conservation measures, are
3857 utilized to the extent reasonably available.

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3858 Section 58. Section 403.503, Florida Statutes, is amended
3859 to read:

3860 403.503 Definitions relating to Florida Electrical Power
3861 Plant Siting Act.--As used in this act:

3862 (1) "Act" means the Florida Electrical Power Plant Siting
3863 Act.

3864 (2) "Agency," as the context requires, means an official,
3865 officer, commission, authority, council, committee, department,
3866 division, bureau, board, section, or other unit or entity of
3867 government, including a regional or local governmental entity.

3868 (3) "Alternative corridor" means an area that is proposed
3869 by the applicant or a third party within which all or part of an
3870 associated electrical transmission line right-of-way is to be
3871 located and that is different from the preferred transmission
3872 line corridor proposed by the applicant. The width of the
3873 alternate corridor proposed for certification for an associated
3874 electrical transmission line may be the width of the proposed
3875 right-of-way or a wider boundary not to exceed a width of one
3876 mile. The area within the alternate corridor may be further
3877 restricted as a condition of certification. The alternate
3878 corridor may include alternate electrical substation sites if the
3879 applicant has proposed an electrical substation as part of the
3880 portion of the proposed electrical transmission line.

3881 (4)~~(3)~~ "Amendment" means a material change in the
3882 information provided by the applicant to the application for
3883 certification made after the initial application filing.

3884 (5)~~(4)~~ "Applicant" means any electric utility which applies
3885 for certification pursuant to the provisions of this act.

3886 (6)~~(5)~~ "Application" means the documents required by the

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3887 department to be filed to initiate a certification review and
3888 evaluation, including the initial document filing, amendments,
3889 and responses to requests from the department for additional data
3890 and information.

3891 (7)~~(6)~~ "Associated facilities" means, for the purpose of
3892 certification, those on-site and off-site facilities which
3893 directly support the construction and operation of the electrical
3894 generating facility ~~power plant~~ such as electrical transmission
3895 lines, substations, and fuel unloading facilities; pipelines
3896 necessary for transporting fuel for the operation of the facility
3897 or other fuel transportation facilities; water or wastewater
3898 transport pipelines; construction, maintenance, and access roads;
3899 and railway lines necessary for transport of construction
3900 equipment or fuel for the operation of the facility.

3901 (8)~~(7)~~ "Board" means the Governor and Cabinet sitting as
3902 the siting board.

3903 (9)~~(8)~~ "Certification" means the written order of the
3904 board, or Secretary when applicable, approving an application for
3905 the licensing of an electrical power plant, in whole or with such
3906 changes or conditions as the board, or Secretary when applicable,
3907 may deem appropriate.

3908 (10)~~(9)~~ "Completeness" means that the application has
3909 addressed all applicable sections of the prescribed application
3910 format, and that those sections are sufficient in
3911 comprehensiveness of data or in quality of information provided
3912 to allow the department to determine whether the application
3913 provides the reviewing agencies adequate information to prepare
3914 the reports required by s. 403.507.

3915 (11)~~(10)~~ "Corridor" means the proposed area within which an

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3916 associated linear facility right-of-way is to be located. The
3917 width of the corridor proposed for certification as an associated
3918 facility, at the option of the applicant, may be the width of the
3919 right-of-way or a wider boundary, not to exceed a width of 1
3920 mile. The area within the corridor in which a right-of-way may be
3921 located may be further restricted by a condition of
3922 certification. After all property interests required for the
3923 right-of-way have been acquired by the licensee, the boundaries
3924 of the area certified shall narrow to only that land within the
3925 boundaries of the right-of-way. The corridors proper for
3926 certification shall be those addressed in the application, in
3927 amendments to the application filed under s. 403.5064, and in
3928 notices of acceptance of proposed alternate corridors filed by an
3929 applicant and the department pursuant to s. 403.5271 as
3930 incorporated by reference in s. 403.5064(1)(b) for which the
3931 required information for the preparation of agency supplemental
3932 reports was filed.

3933 (12)-(11) "Department" means the Department of Environmental
3934 Protection.

3935 (13)-(12) "Designated administrative law judge" means the
3936 administrative law judge assigned by the Division of
3937 Administrative Hearings pursuant to chapter 120 to conduct the
3938 hearings required by this act.

3939 (14)-(13) "Electrical power plant" means, for the purpose of
3940 certification, any steam or solar electrical generating facility
3941 using any process or fuel, including nuclear materials, except
3942 that this term does not include any steam or solar electrical
3943 generating facility of less than 75 megawatts in capacity unless
3944 the applicant for such a facility elects to apply for

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3945 certification under this act. This term also includes the site,
3946 all associated facilities that will ~~to~~ be owned by the applicant
3947 that ~~which~~ are physically connected to the ~~electrical power plant~~
3948 site; all associated facilities that ~~or which~~ are indirectly
3949 ~~directly~~ connected to the ~~electrical power plant~~ site by other
3950 proposed associated facilities that will ~~to~~ be owned by the
3951 applicant; and associated transmission lines that will ~~to~~ be
3952 owned by the applicant that ~~which~~ connect the electrical
3953 generating facility ~~power plant~~ to an existing transmission
3954 network or rights-of-way to ~~of~~ which the applicant intends to
3955 connect. At the applicant's option, this term may include any
3956 offsite associated facilities that ~~which~~ will not be owned by the
3957 applicant; offsite associated facilities that ~~which~~ are owned by
3958 the applicant but which are not directly connected to the
3959 ~~electrical power plant~~ site; any proposed terminal or
3960 intermediate substations or substation expansions connected to
3961 the associated transmission line; or new transmission lines,
3962 upgrades, or improvements of an existing transmission line on any
3963 portion of the applicant's electrical transmission system
3964 necessary to support the generation injected into the system from
3965 the proposed electrical generating facility ~~power plant~~.

3966 (15) ~~(14)~~ "Electric utility" means cities and towns,
3967 counties, public utility districts, regulated electric companies,
3968 electric cooperatives, and joint operating agencies, or
3969 combinations thereof, engaged in, or authorized to engage in, the
3970 business of generating, transmitting, or distributing electric
3971 energy.

3972 (16) ~~(15)~~ "Federally delegated or approved permit program"
3973 means any environmental regulatory program approved by an agency

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3974 of the Federal Government so as to authorize the department to
3975 administer and issue licenses pursuant to federal law, including,
3976 but not limited to, new source review permits, operation permits
3977 for major sources of air pollution, and prevention of significant
3978 deterioration permits under the Clean Air Act (42 U.S.C. ss. 7401
3979 et seq.), permits under ss. 402 and 404 of the Clean Water Act
3980 (33 U.S.C. ss. 1251 et seq.), and permits under the Resource
3981 Conservation and Recovery Act (42 U.S.C. ss. 6901 et seq.).

3982 (17)~~(16)~~ "License" means a franchise, permit,
3983 certification, registration, charter, comprehensive plan
3984 amendment, development order or permit as defined in chapters 163
3985 and 380, or similar form of authorization required by law,
3986 including permits issued under federally delegated or approved
3987 permit programs, but it does not include a license required
3988 primarily for revenue purposes when issuance of the license is
3989 merely a ministerial act.

3990 (18)~~(17)~~ "Licensee" means an applicant that has obtained a
3991 certification order for the subject project.

3992 (19)~~(18)~~ "Local government" means a municipality or county
3993 in the jurisdiction of which the electrical power plant is
3994 proposed to be located.

3995 (20)~~(19)~~ "Modification" means any change in the
3996 certification order after issuance, including a change in the
3997 conditions of certification.

3998 (21)~~(20)~~ "Nonprocedural requirements of agencies" means any
3999 agency's regulatory requirements established by statute, rule,
4000 ordinance, zoning ordinance, land development code, or
4001 comprehensive plan, excluding any provisions prescribing forms,
4002 fees, procedures, or time limits for the review or processing of

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4003 information submitted to demonstrate compliance with such
4004 regulatory requirements.

4005 (22)~~(21)~~ "Notice of intent" means that notice which is
4006 filed with the department on behalf of an applicant prior to
4007 submission of an application pursuant to this act and which
4008 notifies the department of an intent to file an application.

4009 (23)~~(22)~~ "Person" means an individual, partnership, joint
4010 venture, private or public corporation, association, firm, public
4011 service company, political subdivision, municipal corporation,
4012 government agency, public utility district, or any other entity,
4013 public or private, however organized.

4014 (24)~~(23)~~ "Preliminary statement of issues" means a listing
4015 and explanation of those issues within the agency's jurisdiction
4016 which are of major concern to the agency in relation to the
4017 proposed electrical power plant.

4018 (25)~~(24)~~ "Public Service Commission" or "commission" means
4019 the agency created pursuant to chapter 350.

4020 (26)~~(25)~~ "Regional planning council" means a regional
4021 planning council as defined in s. 186.503(4) in the jurisdiction
4022 of which the electrical power plant is proposed to be located.

4023 (27)~~(26)~~ "Right-of-way" means land necessary for the
4024 construction and maintenance of a connected associated linear
4025 facility, such as a railroad line, pipeline, or transmission line
4026 as owned by or proposed to be certified by the applicant. The
4027 typical width of the right-of-way shall be identified in the
4028 application. The right-of-way shall be located within the
4029 certified corridor and shall be identified by the applicant
4030 subsequent to certification in documents filed with the
4031 department prior to construction.

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4032 ~~(28)~~(27) "Site" means any proposed location within which
4033 will be located ~~wherein~~ an electrical power plant's generating
4034 facility and on-site support facilities ~~plant~~, or an ~~electrical~~
4035 ~~power plant~~ alteration or addition of electrical generating
4036 facilities and on-site on-location support facilities resulting
4037 in an increase in generating capacity, ~~will be located~~, including
4038 offshore sites within state jurisdiction.

4039 ~~(29)~~(28) "State comprehensive plan" means that plan set
4040 forth in chapter 187.

4041 ~~(30)~~(29) "Ultimate site capacity" means the maximum gross
4042 generating capacity for a site as certified by the board, or
4043 Secretary when applicable, unless otherwise specified as nte
4044 generating capacity.

4045 ~~(31)~~(30) "Water management district" means a water
4046 management district, created pursuant to chapter 373, in the
4047 jurisdiction of which the electrical power plant is proposed to
4048 be located.

4049 Section 59. Section 403.504, Florida Statutes, is amended
4050 to read:

4051 403.504 Department of Environmental Protection; powers and
4052 duties enumerated.--The department shall have the following
4053 powers and duties in relation to this act:

4054 (1) To adopt rules pursuant to ss. 120.536(1) and 120.54 to
4055 implement the provisions of this act, including rules setting
4056 forth environmental precautions to be followed in relation to the
4057 location, construction, and operation of electrical power plants.

4058 (2) To prescribe the form and content of the public notices
4059 and the notice of intent and the form, content, and necessary
4060 supporting documentation and studies to be prepared by the

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4061 applicant for electrical power plant ~~site~~ certification
4062 applications.

4063 (3) To receive applications for electrical power plant site
4064 certifications and to determine the completeness and sufficiency
4065 thereof.

4066 (4) To make, or contract for, studies of electrical power
4067 plant ~~site~~ certification applications.

4068 (5) To administer the processing of applications for
4069 electric power plant ~~site~~ certifications and to ensure that the
4070 applications are processed as expeditiously as possible.

4071 (6) To require such fees as allowed by this act.

4072 (7) To conduct studies and prepare a project analysis under
4073 s. 403.507.

4074 (8) To prescribe the means for monitoring the effects
4075 arising from the construction and operation of electrical power
4076 plants to assure continued compliance with terms of the
4077 certification.

4078 (9) To determine whether an alternate corridor proposed for
4079 consideration under s. 403.5064(4) is acceptable.

4080 (10)-(9) To issue final orders after receipt of the
4081 administrative law judge's order relinquishing jurisdiction
4082 pursuant to s. 403.508(6).

4083 (11)-(10) To act as clerk for the siting board.

4084 (12)-(11) To administer and manage the terms and conditions
4085 of the certification order and supporting documents and records
4086 for the life of the electrical power plant facility.

4087 (13)-(12) To issue emergency orders on behalf of the board
4088 for facilities licensed under this act.

4089 Section 60. Subsection (1) of section 403.506, Florida

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4090 Statutes, is amended and subsection (3) is added to that section
4091 to read:

4092 403.506 Applicability, thresholds, and certification.--

4093 (1) The provisions of this act shall apply to any
4094 electrical power plant as defined herein, except that the
4095 provisions of this act shall not apply to any electrical power
4096 plant ~~or steam generating plant~~ of less than 75 megawatts in
4097 gross capacity including its or to any associated facilities
4098 ~~substation to be constructed as part of an associated~~
4099 ~~transmission line~~ unless the applicant has elected to apply for
4100 certification of such electrical power plant or substation under
4101 this act. The provisions of this act shall not apply to ~~any unit~~
4102 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
4103 aggregate, of an existing exothermic reaction cogeneration
4104 electrical generating facility unit that was exempt from this act
4105 when it was originally built; however, this exemption shall not
4106 apply if the unit uses oil or natural gas for purposes other than
4107 unit startup. No construction of any new electrical power plant
4108 or expansion in steam generating capacity as measured by an
4109 increase in the maximum electrical generator rating of any
4110 existing electrical power plant may be undertaken after October
4111 1, 1973, without first obtaining certification in the manner as
4112 herein provided, except that this act shall not apply to any such
4113 electrical power plant which is presently operating or under
4114 construction or which has, upon the effective date of chapter 73-
4115 33, Laws of Florida, applied for a permit or certification under
4116 requirements in force prior to the effective date of such act.

4117 (3) An electric utility may obtain separate licenses,
4118 permits, and approvals for the construction of facilities

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4119 necessary to construct an electrical power plant without first
4120 obtaining certification under this act if the utility intends to
4121 locate, license, and construct a proposed or expanded electrical
4122 power plant that uses nuclear materials as fuel. Such facilities
4123 may include, but are not limited to, access and onsite roads,
4124 rail lines, electrical transmission facilities to support
4125 construction, and facilities necessary for waterborne delivery of
4126 construction materials and project components. This exemption
4127 applies to such facilities regardless of whether the facilities
4128 are used for operation of the power plant. The applicant shall
4129 file with the department a statement that declares that the
4130 construction of such facilities is necessary for the timely
4131 construction of the proposed electrical power plant and
4132 identifies those facilities that the applicant intends to seek
4133 licenses for and construct prior to or separate from
4134 certification of the project. The facilities may be located
4135 within or off of the site for the proposed electrical power
4136 plant. The filing of an application under this act does not
4137 affect other applications for separate licenses which are pending
4138 at the time of filing the application. Furthermore, the filing of
4139 an application does not prevent an electric utility from seeking
4140 separate licenses for facilities that are necessary to construct
4141 the electrical power plant. Licenses, permits, or approvals
4142 issued by any state, regional, or local agency for such
4143 facilities shall be incorporated by the department into a final
4144 certification upon completion of construction. Any facilities
4145 necessary for construction of the electrical power plant shall
4146 become part of the certified electrical power plant upon
4147 completion of the electrical power plant's construction. The

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4148 exemption in this subsection does not require or authorize agency
4149 rulemaking, and any action taken under this subsection is not
4150 subject to chapter 120. This subsection shall be given
4151 retroactive effect and applies to applications filed after May 1,
4152 2008.

4153 Section 61. Subsections (1) and (4) of section 403.5064,
4154 Florida Statutes, are amended to read:

4155 403.5064 Application; schedules.--

4156 (1) The formal date of filing of a certification
4157 application and commencement of the certification review process
4158 shall be when the applicant submits:

4159 (a) Copies of the certification application in a quantity
4160 and format as prescribed by rule to the department and other
4161 agencies identified in s. 403.507(2) (a).

4162 (b) A statement affirming that the applicant is opting to
4163 allow consideration of alternate corridors for an associated
4164 transmission line corridor. If alternate corridors are allowed,
4165 at the applicant's option, the portion of the application
4166 addressing associated transmission line corridors shall be
4167 processed pursuant to the schedule set forth in ss. 403.521-
4168 43.526, 403.527(4), and 403.5271, including the opportunity for
4169 the filing of alternate corridors, provided, however, if such
4170 alternate corridors are filed, the certification hearing shall
4171 not be rescheduled as allowed by ss. 403.527(1) (b)1. and 2.

4172 (c) ~~(b)~~ The application fee specified under s. 403.518 to
4173 the department.

4174 (4) Within 7 days after the filing of an application, the
4175 department shall prepare a proposed schedule of dates for
4176 determination of completeness, submission of statements of

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4177 issues, submittal of final reports, and other significant dates
4178 to be followed during the certification process, including dates
4179 for filing notices of appearance to be a party pursuant to s.
4180 403.508(3). If the application includes one or more associated
4181 transmission line corridors, at the request of the applicant
4182 filed concurrently with the application, the department shall
4183 incorporate the application processing schedule of the Florida
4184 electric Transmission Line Siting Act, ss. 403.521-403.526,
4185 403.527(4), and 403.5271 for the associated transmission line
4186 corridors, including the opportunity for the filing and review of
4187 alternate corridors, if a party proposes alternate transmission
4188 line corridor routes for consideration no later than 165 days
4189 prior to the scheduled certification hearing. Notwithstanding an
4190 applicant's option for the transmission line corridor portion of
4191 its application to be processed under the proposed schedule, only
4192 one certification hearing will be held for the entire power plant
4193 in accordance with s. 403.508(2). The proposed ~~This~~ schedule
4194 shall be timely provided by the department to the applicant, the
4195 administrative law judge, all agencies identified pursuant to
4196 subsection (2), and all parties. Within 7 days after the filing
4197 of the proposed schedule, the administrative law judge shall
4198 issue an order establishing a schedule for the matters addressed
4199 in the department's proposed schedule and other appropriate
4200 matters, if any.

4201 Section 62. Subsection (1) of section 403.5065, Florida
4202 Statutes, is amended to read:

4203 403.5065 Appointment of administrative law judge; powers
4204 and duties.--

4205 (1) Within 7 days after receipt of an application, the

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4206 department shall request the Division of Administrative Hearings
4207 to designate an administrative law judge to conduct the hearings
4208 required by this act. The division director shall designate an
4209 administrative law judge within 7 days after receipt of the
4210 request from the department. In designating an administrative law
4211 judge for this purpose, the division director shall, whenever
4212 practicable, assign an administrative law judge who has had prior
4213 experience or training in electrical power plant ~~site~~
4214 certification proceedings. Upon being advised that an
4215 administrative law judge has been appointed, the department shall
4216 immediately file a copy of the application and all supporting
4217 documents with the designated administrative law judge, who shall
4218 docket the application.

4219 Section 63. Subsection (3) of section 403.50663, Florida
4220 Statutes, is amended to read:

4221 403.50663 Informational public meetings.--

4222 (3) A local government or regional planning council that
4223 intends to conduct an informational public meeting must provide
4224 notice of the meeting to all parties not less than 15 ~~5~~ days
4225 prior to the meeting and to the general public, in accordance
4226 with the provisions of s. 403.5115(5). The expense for such
4227 notice is eligible for reimbursement under the provisions of s.
4228 403.518(2)(c)1.

4229 Section 64. Section 403.50665, Florida Statutes, is amended
4230 to read:

4231 403.50665 Land use consistency.--

4232 (1) The applicant shall include in the application a
4233 statement on the consistency of the site and ~~or~~ any ~~directly~~
4234 associated facilities that constitute "development," as defined

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4235 in s. 380.04, with existing land use plans and zoning ordinances
4236 that were in effect on the date the application was filed and a
4237 full description of such consistency. This information shall
4238 include an identification of those associated facilities that the
4239 applicant believes are exempt from the requirements of land use
4240 plans and zoning ordinances under the provisions of the Local
4241 Government Comprehensive Planning and Land Development Regulation
4242 Act provisions of chapter 163 and s. 380.04(3).

4243 (2) (a) Within 45 days after the filing of the application,
4244 each local government shall file a determination with the
4245 department, the applicant, the administrative law judge, and all
4246 parties on the consistency of the site, and ~~or~~ any ~~directly~~
4247 associated facilities that are not exempt from the requirements
4248 of land use plans and zoning ordinances under the provisions of
4249 chapter 163 and s. 380.04(3), with existing land use plans and
4250 zoning ordinances that were in effect on the date the application
4251 was filed, based on the information provided in the application.
4252 However, this requirement does not apply to any new electrical
4253 generation unit proposed to be constructed and operated:

4254 1. On the site of a previously certified electrical power
4255 plant; or

4256 2. On the site of a power plant that was not previously
4257 certified that will be wholly contained within the boundaries of
4258 the existing site.

4259 (b) The local government may issue its determination up to
4260 55 ~~35~~ days later if the application has been determined
4261 incomplete based in whole or part upon a local government request
4262 for ~~has requested~~ additional information on land use and zoning
4263 consistency as part of the local government's statement on

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4264 completeness of the application submitted pursuant to s.
4265 403.5066(1) (a). Incompleteness of information necessary for a
4266 local government to evaluate an application may be claimed by the
4267 local government as cause for a statement of inconsistency with
4268 existing land use plans and zoning ordinances.

4269 (c) Notice of the consistency determination shall be
4270 published in accordance with the requirements of s. 403.5115.

4271 (3) (a) If the local government issues a determination that
4272 the proposed site and any non-exempt associated facilities are
4273 ~~electrical power plant~~ is not consistent or in compliance with
4274 local land use plans and zoning ordinances, the applicant may
4275 apply to the local government for the necessary local approval to
4276 address the inconsistencies identified in the local government's
4277 determination.

4278 (b) If the applicant makes such an application to the local
4279 government, the time schedules under this act shall be tolled
4280 until the local government issues its revised determination on
4281 land use and zoning or the applicant otherwise withdraws its
4282 application to the local government.

4283 (c) If the applicant applies to the local government for
4284 necessary local land use or zoning approval, the local government
4285 shall commence a proceeding to consider the application for land
4286 use or zoning approval within 45 days of receipt of the complete
4287 request, and shall issue a revised determination within 30 days
4288 following the conclusion of that local proceeding.~~and~~ The time
4289 schedules and notice requirements under this act shall apply to
4290 such revised determination.

4291 (4) If any substantially affected person wishes to dispute
4292 the local government's determination, he or she shall file a

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4293 petition with the designated administrative law judge ~~department~~
4294 within 21 days after the publication of notice of the local
4295 government's determination. If a hearing is requested, the
4296 provisions of s. 403.508(1) shall apply.

4297 (5) The dates in this section may be altered upon agreement
4298 between the applicant, the local government, and the department
4299 pursuant to s. 403.5095.

4300 (6) If it is determined by the local government that the
4301 proposed site or non-exempt ~~directly~~ associated facility does
4302 conform with existing land use plans and zoning ordinances in
4303 effect as of the date of the application and no petition has been
4304 filed, the responsible zoning or planning authority shall not
4305 thereafter change such land use plans or zoning ordinances so as
4306 to foreclose construction and operation of the proposed site or
4307 ~~directly~~ associated facilities unless certification is
4308 subsequently denied or withdrawn.

4309 (7) The issue of land use and zoning consistency for any
4310 proposed alternate intermediate electrical substation which is
4311 proposed as part of an alternate electrical transmission line
4312 corridor which is accepted by the applicant and the department
4313 under s. 403.5271(1)(b) shall be addressed in the supplementary
4314 report prepared by the local government on the proposed alternate
4315 corridor and shall be considered as an issue at any final
4316 certification hearing. If such a proposed intermediate
4317 electrical substation is determined to not be consistent with
4318 local land use plans and zoning ordinances, then that alternate
4319 electrical substation shall not be certified.

4320 Section 65. Paragraph (a) of subsection (2) of section
4321 403.507, Florida Statutes, is amended to read:

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4322 403.507 Preliminary statements of issues, reports, project
4323 analyses, and studies.--

4324 (2) (a) The ~~No later than 100 days after the certification~~
4325 ~~application has been determined complete,~~ the following agencies
4326 shall prepare reports as provided below and shall submit them to
4327 the department and the applicant no later than 100 days after the
4328 certification application has been determined complete, unless a
4329 final order denying the Determination of Need has been issued
4330 under the provisions of s. 403.519:

4331 1. The Department of Community Affairs shall prepare a
4332 report containing recommendations which address the impact upon
4333 the public of the proposed electrical power plant, based on the
4334 degree to which the electrical power plant is consistent with the
4335 applicable portions of the state comprehensive plan, emergency
4336 management, and other such matters within its jurisdiction. The
4337 Department of Community Affairs may also comment on the
4338 consistency of the proposed electrical power plant with
4339 applicable strategic regional policy plans or local comprehensive
4340 plans and land development regulations.

4341 2. The water management district shall prepare a report as
4342 to matters within its jurisdiction, including but not limited to,
4343 the impact of the proposed electrical power plant on water
4344 resources, regional water supply planning, and district-owned
4345 lands and works.

4346 3. Each local government in whose jurisdiction the proposed
4347 electrical power plant is to be located shall prepare a report as
4348 to the consistency of the proposed electrical power plant with
4349 all applicable local ordinances, regulations, standards, or
4350 criteria that apply to the proposed electrical power plant,

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4351 including any applicable local environmental regulations adopted
4352 pursuant to s. 403.182 or by other means.

4353 4. The Fish and Wildlife Conservation Commission shall
4354 prepare a report as to matters within its jurisdiction.

4355 5. Each regional planning council shall prepare a report
4356 containing recommendations that address the impact upon the
4357 public of the proposed electrical power plant, based on the
4358 degree to which the electrical power plant is consistent with the
4359 applicable provisions of the strategic regional policy plan
4360 adopted pursuant to chapter 186 and other matters within its
4361 jurisdiction.

4362 6. The Department of Transportation shall address the
4363 impact of the proposed electrical power plant on matters within
4364 its jurisdiction.

4365 (b) Any other agency, if requested by the department, shall
4366 also perform studies or prepare reports as to matters within that
4367 agency's jurisdiction which may potentially be affected by the
4368 proposed electrical power plant.

4369 Section 66. Subsection (1) of section 403.508, Florida
4370 Statutes, is amended to read:

4371 403.508 Land use and certification hearings, parties,
4372 participants.--

4373 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
4374 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
4375 the designated administrative law judge shall schedule ~~conduct~~ a
4376 land use hearing to be conducted in the county of the proposed
4377 site, ~~or directly~~ associated facility that is not exempt from the
4378 requirements of land use plans and zoning ordinances under the
4379 provisions of chapter 163 and s. 380.043(3), as applicable, as

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4380 expeditiously as possible, but not later than 30 days after the
4381 designated administrative law judge's ~~department's~~ receipt of the
4382 petition. The place of such hearing shall be as close as possible
4383 to the proposed site or ~~directly~~ associated facility. If a
4384 petition is filed, the hearing shall be held regardless of the
4385 status of the completeness of the application. ~~However,~~
4386 ~~incompleteness of information necessary for a local government to~~
4387 ~~evaluate an application may be claimed by the local government as~~
4388 ~~cause for a statement of inconsistency with existing land use~~
4389 ~~plans and zoning ordinances under s. 403.50665.~~

4390 (b) Notice of the land use hearing shall be published in
4391 accordance with the requirements of s. 403.5115.

4392 (c) The sole issue for determination at the land use
4393 hearing shall be whether or not the proposed site or non-exempt
4394 associated facility is consistent and in compliance with existing
4395 land use plans and zoning ordinances. If the administrative law
4396 judge concludes that the proposed site or non-exempt associated
4397 facility is not consistent or in compliance with existing land
4398 use plans and zoning ordinances, the administrative law judge
4399 shall receive at the hearing evidence on, and address in the
4400 recommended order any changes to or approvals or variances under,
4401 the applicable land use plans or zoning ordinances which will
4402 render the proposed site or non-exempt associate facility
4403 consistent and in compliance with the local land use plans and
4404 zoning ordinances.

4405 (d) The designated administrative law judge's recommended
4406 order shall be issued within 30 days after completion of the
4407 hearing and shall be reviewed by the board within 60 days after
4408 receipt of the recommended order by the board.

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4409 (e) If it is determined by the board that the proposed site
4410 or non-exempt associate facility does conform with existing land
4411 use plans and zoning ordinances in effect as of the date of the
4412 application, or as otherwise provided by this act, the
4413 responsible zoning or planning authority shall not thereafter
4414 change such land use plans or zoning ordinances so as to
4415 foreclose construction and operation of the proposed electrical
4416 power plant on the proposed site or ~~directly~~ associated
4417 facilities unless certification is subsequently denied or
4418 withdrawn.

4419 (f) If it is determined by the board that the proposed site
4420 or non-exempt associated facility does not conform with existing
4421 land use plans and zoning ordinances, the board may, if it
4422 determines after notice and hearing and upon consideration of the
4423 recommended order on land use and zoning issues that it is in the
4424 public interest to authorize the use of the land ~~as a site for a~~
4425 site or associated facility ~~an electrical power plant~~, authorize
4426 a variance or other necessary approval to the adopted land use
4427 plan and zoning ordinances required to render the proposed site
4428 or associated facility consistent with local land use plans and
4429 zoning ordinances. The board's action shall not be controlled by
4430 any other procedural requirements of law. In the event a variance
4431 or other approval is denied by the board, it shall be the
4432 responsibility of the applicant to make the necessary application
4433 for any approvals determined by the board as required to make the
4434 proposed site or associated facility consistent and in compliance
4435 with local land use plans and zoning ordinances. No further
4436 action may be taken on the complete application until the
4437 proposed site or associated facility conforms to the adopted land

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4438 use plan or zoning ordinances or the board grants relief as
4439 provided under this act.

4440 (2) (a) A certification hearing shall be held by the
4441 designated administrative law judge no later than 265 days after
4442 the application is filed with the department. The certification
4443 hearing shall be held at a location in proximity to the proposed
4444 site. ~~At the conclusion of the certification hearing, the~~
4445 ~~designated administrative law judge shall, after consideration of~~
4446 ~~all evidence of record, submit to the board a recommended order~~
4447 ~~no later than 45 days after the filing of the hearing transcript.~~

4448 (b) Notice of the certification hearing and notice of the
4449 deadline for filing of notice of intent to be a party shall be
4450 made in accordance with the requirements of s. 403.5115.

4451 Section 67. Subsections (3), (4), and (5) of section
4452 403.509, Florida Statutes, are amended and a new subsection (4)
4453 is added to that section to read:

4454 403.509 Final disposition of application.--

4455 (3) In determining whether an application should be
4456 approved in whole, approved with modifications or conditions, or
4457 denied, the board, or secretary when applicable, shall consider
4458 whether, and the extent to which, the location, construction and
4459 operation of the electrical power plant ~~and directly associated~~
4460 ~~facilities and their construction and operation~~ will:

4461 (a) Provide reasonable assurance that operational
4462 safeguards are technically sufficient for the public welfare and
4463 protection.

4464 (b) Comply with applicable nonprocedural requirements of
4465 agencies.

4466 (c) Be consistent with applicable local government

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4467 comprehensive plans and land development regulations.

4468 (d) Meet the electrical energy needs of the state in an
4469 orderly, reliable, and timely fashion.

4470 (e) Effect a reasonable balance between the need for the
4471 facility as established pursuant to s. 403.519 and the impacts
4472 upon air and water quality, fish and wildlife, water resources,
4473 and other natural resources of the state resulting from the
4474 construction and operation of the facility.

4475 (f) Minimize, through the use of reasonable and available
4476 methods, the adverse effects on human health, the environment,
4477 and the ecology of the land and its wildlife and the ecology of
4478 state waters and their aquatic life.

4479 (g) Serve and protect the broad interests of the public.

4480 (4) (a) Any transmission line corridor certified by the
4481 board, or secretary if applicable, shall meet the criteria of
4482 this section. When more than one transmission line corridor is
4483 proper for certification under s. 403.503(11) and meets the
4484 criteria of this section, the board, or secretary if applicable,
4485 shall certify the transmission line corridor that has the least
4486 adverse impact regarding the criteria in subsection (3),
4487 including costs.

4488 (b) If the board, or secretary if applicable, finds that an
4489 alternate corridor rejected pursuant to s. 403.5271 as
4490 incorporated by reference in s. 403.5064(1) (b) meets the criteria
4491 of subsection (3) and has the least adverse impact regarding the
4492 criteria in subsection (3), the board, or secretary if
4493 applicable, shall deny certification or shall allow the applicant
4494 to submit an amended application to include the corridor.

4495 (c) If the board, or secretary if applicable, finds that

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4496 two or more of the corridors that comply with subsection (3) have
4497 the least adverse impacts regarding the criteria in subsection
4498 (3), including costs, and that the corridors are substantially
4499 equal in adverse impacts regarding the criteria in subsection
4500 (3), including costs, the board, or secretary if applicable,
4501 shall certify the corridor preferred by the applicant if the
4502 corridor is one proper for certification under s. 403.503(11).

4503 (5)~~(4)~~ The department's action on a federally required new
4504 source review or prevention of significant deterioration permit
4505 shall differ from the actions taken by the siting board regarding
4506 the certification if the federally approved state implementation
4507 plan requires such a different action to be taken by the
4508 department. Nothing in this part shall be construed to displace
4509 the department's authority as the final permitting entity under
4510 the federally approved permit program. Nothing in this part shall
4511 be construed to authorize the issuance of a new source review or
4512 prevention of significant deterioration permit which does not
4513 conform to the requirements of the federally approved state
4514 implementation plan.

4515 (6)~~(5)~~ For certifications issued by the board in regard to
4516 the properties and works of any agency which is a party to the
4517 certification hearing, the board shall have the authority to
4518 decide issues relating to the use, the connection thereto, or the
4519 crossing thereof, for the electrical power plant ~~and directly~~
4520 ~~associated facilities~~ and to direct any such agency to execute,
4521 within 30 days after the entry of certification, the necessary
4522 license or easement for such use, connection, or crossing,
4523 subject only to the conditions set forth in such certification.
4524 For certifications issued by the department in regard to the

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4525 properties and works of any agency which is a party to the
4526 proceeding, any stipulation filed pursuant to s. 403.508(6)(a)
4527 must include a stipulation regarding any issues relating to the
4528 use, the connection thereto, or the crossing thereof, for the
4529 electrical power plant. Any agency stipulating to the use,
4530 connection to, or crossing of its property must agree to execute,
4531 within 30 days after the entry of certification, the necessary
4532 license or easement for such use, connection, or crossing,
4533 subject only to the conditions set forth in such certification.

4534 Section 68. Subsections (1) and (6) of section 403.511,
4535 Florida Statutes, are amended to read:

4536 403.511 Effect of certification.--

4537 (1) Subject to the conditions set forth therein, any
4538 certification shall constitute the sole license of the state and
4539 any agency as to the approval of the location of the site and any
4540 associated facility and the construction and operation of the
4541 proposed electrical power plant, except for the issuance of
4542 department licenses required under any federally delegated or
4543 approved permit program and except as otherwise provided in
4544 subsection (4).

4545 (6) No term or condition of an electrical power plant a
4546 ~~site~~ certification shall be interpreted to supersede or control
4547 the provisions of a final operation permit for a major source of
4548 air pollution issued by the department pursuant to s. 403.0872 to
4549 a facility certified under this part.

4550 Section 69. Subsection (1) of section 403.5112, Florida
4551 Statutes, is amended to read:

4552 403.5112 Filing of notice of certified corridor route.--

4553 (1) Within 60 days after certification of an ~~a~~ directly

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4554 associated linear facility pursuant to this act, the applicant
4555 shall file, in accordance with s. 28.222, with the department and
4556 the clerk of the circuit court for each county through which the
4557 corridor will pass, a notice of the certified route.

4558 Section 70. Section 403.5113, Florida Statutes, is amended
4559 to read:

4560 403.5113 Postcertification amendments and review.--

4561 (1) POSTCERTIFICATION AMENDMENTS.--

4562 (a) If, subsequent to certification by the board, a
4563 licensee proposes any material change to the application and
4564 revisions or amendments thereto, as certified, the licensee shall
4565 submit a written request for amendment and a description of the
4566 proposed change to the application to the department. Within 30
4567 days after the receipt of the request for the amendment, the
4568 department shall determine whether the proposed change to the
4569 application requires a modification of the conditions of
4570 certification.

4571 (b)~~(2)~~ If the department concludes that the change would
4572 not require a modification of the conditions of certification,
4573 the department shall provide written notification of the approval
4574 of the proposed amendment to the licensee, all agencies, and all
4575 other parties.

4576 (c)~~(3)~~ If the department concludes that the change would
4577 require a modification of the conditions of certification, the
4578 department shall provide written notification to the licensee
4579 that the proposed change to the application requires a request
4580 for modification pursuant to s. 403.516.

4581 (2)~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
4582 submittals filed by the licensee with one or more agencies are

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4583 for the purpose of monitoring for compliance with the issued
4584 certification and must be reviewed by the agencies on an
4585 expedited and priority basis because each facility certified
4586 under this act is a critical infrastructure facility. In no event
4587 shall a postcertification review be completed in more than 90
4588 days after complete information is submitted to the reviewing
4589 agencies.

4590 Section 71. Section 403.5115, Florida Statutes, is amended
4591 to read:

4592 403.5115 Public notice.--

4593 (1) The following notices are to be published by the
4594 applicant:

4595 (a) Notice of the filing of a notice of intent under s.
4596 403.5063, which shall be published within 21 days after the
4597 filing of the notice. The notice shall be published as specified
4598 by subsection (2), except that the newspaper notice shall be one-
4599 fourth page in size in a standard size newspaper or one-half page
4600 in size in a tabloid size newspaper.

4601 (b) Notice of filing of the application, which shall
4602 include a description of the proceedings required by this act,
4603 within 21 days after the date of the application filing. Such
4604 notice shall give notice of the provisions of s. 403.511(1) and
4605 (2).

4606 (c) If applicable, notice of the land use determination
4607 made pursuant to s. 403.50665(2)~~(1)~~ within 21 days after the
4608 deadline for the filing of the determination is filed.

4609 (d) If applicable, notice of the land use hearing, which
4610 shall be published as specified in subsection (2), no later than
4611 15 days before the hearing.

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4612 (e) Notice of the certification hearing and notice of the
4613 deadline for filing notice of intent to be a party, which shall
4614 be published as specified in subsection (2), at least 65 days
4615 before the date set for the certification hearing. If one or more
4616 alternate corridors have been accepted for consideration, the
4617 notice of the certification hearing shall include a map of all
4618 corridors proposed for certification.

4619 (f) Notice of revised deadline for filing alternate
4620 corridors, if the certification hearing is rescheduled to a date
4621 other than as published in the notice of filing of the
4622 application. This notice shall be published at least 185 days
4623 before the rescheduled certification hearing and as specified in
4624 paragraph (2) except no map is required and the size of the
4625 notice shall be no less than six square inches.

4626 (g) ~~(f)~~ Notice of the cancellation of the certification
4627 hearing, if applicable, no later than 3 days before the date of
4628 the originally scheduled certification hearing. The newspaper
4629 notice shall be one-fourth page in size in a standard size
4630 newspaper or one-half page in size in a tabloid size newspaper.

4631 (h) ~~(g)~~ Notice of modification when required by the
4632 department, based on whether the requested modification of
4633 certification will significantly increase impacts to the
4634 environment or the public. Such notice shall be published as
4635 specified under subsection (2):

4636 1. Within 21 days after receipt of a request for
4637 modification. The newspaper notice shall be of a size as directed
4638 by the department commensurate with the scope of the
4639 modification.

4640 2. If a hearing is to be conducted in response to the

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4641 request for modification, then notice shall be published no later
4642 than 30 days before the hearing.

4643 ~~(h) Notice of a supplemental application, which shall be~~
4644 ~~published as specified in paragraph (b) and subsection (2).~~

4645 ~~(i) Notice of existing site certification pursuant to s.~~
4646 ~~403.5175. Notices shall be published as specified in paragraph~~
4647 ~~(b) and subsection (2).~~

4648 (2) Notices provided by the applicant shall be published in
4649 newspapers of general circulation within the county or counties
4650 in which the proposed electrical power plant will be located. The
4651 newspaper notices, unless otherwise specified, shall be at least
4652 one-half page in size in a standard size newspaper or a full page
4653 in a tabloid size newspaper. These notices shall include a map
4654 generally depicting the project and all associated facilities
4655 corridors. A newspaper of general circulation shall be the
4656 newspaper which has the largest daily circulation in that county
4657 and has its principal office in that county. If the newspaper
4658 with the largest daily circulation has its principal office
4659 outside the county, the notices shall appear in both the
4660 newspaper having the largest circulation in that county and in a
4661 newspaper authorized to publish legal notices in that county.

4662 (3) All notices published by the applicant shall be paid
4663 for by the applicant and shall be in addition to the application
4664 fee.

4665 (4) The department shall arrange for publication of the
4666 following notices in the manner specified by chapter 120 and
4667 provide copies of those notices to any persons who have requested
4668 to be placed on the departmental mailing list for this purpose
4669 for each case for which an application has been received by the

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4670 department:

4671 (a) Notice of the filing of the notice of intent within 15
4672 days after receipt of the notice.

4673 (b) Notice of the filing of the application, no later than
4674 21 days after the application filing.

4675 (c) Notice of the land use determination made pursuant to
4676 s. 403.50665(2)(~~1~~) within 21 days after the deadline for the
4677 filing of the determination is filed.

4678 (d) Notice of the land use hearing before the
4679 administrative law judge, if applicable, no later than 15 days
4680 before the hearing.

4681 (e) Notice of the land use hearing before the board, if
4682 applicable.

4683 (f) Notice of the certification hearing at least 45 days
4684 before the date set for the certification hearing.

4685 (g) Notice of revised deadline for filing alternate
4686 corridors, if the certification hearing is rescheduled to a date
4687 other than as published in the notice of filing of the
4688 application. This notice shall be published at least 185 days
4689 before the rescheduled certification hearing.

4690 (h)~~(g)~~ Notice of the cancellation of the certification
4691 hearing, if applicable, no later than 3 days prior to the date of
4692 the originally scheduled certification hearing.

4693 (i)~~(h)~~ Notice of the hearing before the board, if
4694 applicable.

4695 (j)~~(i)~~ Notice of stipulations, proposed agency action, or
4696 petitions for modification.

4697 (5) A local government or regional planning council that
4698 proposes to conduct an informational public meeting pursuant to

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4699 s. 403.50663 must publish notice of the meeting in a newspaper of
4700 general circulation within the county or counties in which the
4701 proposed electrical power plant will be located no later than 7
4702 days prior to the meeting. A newspaper of general circulation
4703 shall be the newspaper which has the largest daily circulation in
4704 that county and has its principal office in that county. If the
4705 newspaper with the largest daily circulation has its principal
4706 office outside the county, the notices shall appear in both the
4707 newspaper having the largest circulation in that county and in a
4708 newspaper authorized to publish legal notices in that county.

4709 (6) (a) A good faith effort shall be made by the applicant
4710 to provide direct written notice of the filing of an application
4711 for certification by U.S. mail or hand delivery no later than 45
4712 days after filing of the application to all local landowners
4713 whose property, as noted in the most recent local government tax
4714 records, and residences, are located within the following
4715 distances of the proposed project:

4716 1. Five miles of the proposed main site boundaries of the
4717 proposed electrical power plant.

4718 2. One-quarter mile of the proposed boundaries of all
4719 linear associated facilities extending away from the main site
4720 boundary, such as any proposed electrical transmission line
4721 corridors as defined in s. 403.522(22).

4722 (b) No later than 60 days from the filing of an application
4723 for certification, the applicant shall file a list with the
4724 department's Siting Coordination Office of landowners and
4725 residences that were notified.

4726 (7) (a) A good faith effort shall be made by the proponent
4727 of an alternate corridor to provide direct written notice of the

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4728 filing of an alternate corridor for certification by U.S. mail or
4729 hand delivery of the filing of no later than 30 days after filing
4730 of the alternate corridor to all local landowners whose property,
4731 as noted in the most recent local government tax records, and
4732 residences, are located within one-quarter mile of the proposed
4733 boundaries of the proposed alternate transmission line corridor
4734 that includes a transmission line as defined in s. 403.522(22).

4735 (b) No later than 45 days from the filing of an alternate
4736 corridor for certification, the proponent of an alternate
4737 corridor shall file a list with the department's Siting
4738 Coordination Office of landowners and residences that were
4739 notified.

4740 Section 72. Subsection (1) of section 403.516, Florida
4741 Statutes, is amended to read:

4742 403.516 Modification of certification.--

4743 (1) A certification may be modified after issuance in any
4744 one of the following ways:

4745 (a) The board may delegate to the department the authority
4746 to modify specific conditions in the certification.

4747 (b)1. The department may modify specific conditions of a
4748 ~~site~~ certification which are inconsistent with the terms of any
4749 federally delegated or approved permit for the certified
4750 electrical power plant.

4751 2. Such modification may be made without further notice if
4752 the matter has been previously noticed under the requirements for
4753 any federally delegated or approved permit program.

4754 (c) The licensee may file a petition for modification with
4755 the department, or the department may initiate the modification
4756 upon its own initiative.

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- 4757 1. A petition for modification must set forth:
4758 a. The proposed modification.
4759 b. The factual reasons asserted for the modification.
4760 c. The anticipated environmental effects of the proposed
4761 modification.
- 4762 2. The department may modify the terms and conditions of
4763 the certification if no party to the certification hearing
4764 objects in writing to such modification within 45 days after
4765 notice by mail to such party's last address of record, and if no
4766 other person whose substantial interests will be affected by the
4767 modification objects in writing within 30 days after issuance of
4768 public notice.
- 4769 3. If objections are raised or the department denies the
4770 request, the applicant or department may file a request for a
4771 hearing on the modification with the department. Such request
4772 shall be handled pursuant to chapter 120.
- 4773 4. Requests referred to the Division of Administrative
4774 Hearings shall be disposed of in the same manner as an
4775 application, but with time periods established by the
4776 administrative law judge commensurate with the significance of
4777 the modification requested.
- 4778 (d) As required by s. 403.511(5).
4779 Section 73. Subsection (1) of section 403.517, Florida
4780 Statutes, is amended to read:
4781 403.517 Supplemental applications for sites certified for
4782 ultimate site capacity.--
4783 (1)(a) Supplemental applications may be submitted for
4784 certification of the construction and operation of electrical
4785 power plants to be located at sites which have been previously

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4786 certified for an ultimate site capacity pursuant to this act.
4787 Supplemental applications shall be limited to electrical power
4788 plants using the fuel type previously certified for that site.
4789 Such applications shall include all new ~~directly~~ associated
4790 facilities that support the construction and operation of the
4791 electrical power plant.

4792 (b) The review shall use the same procedural steps and
4793 notices as for an initial application.

4794 (c) The time limits for the processing of a complete
4795 supplemental application shall be designated by the department
4796 commensurate with the scope of the supplemental application, but
4797 shall not exceed any time limitation governing the review of
4798 initial applications for ~~site~~ certification pursuant to this act,
4799 it being the legislative intent to provide shorter time
4800 limitations for the processing of supplemental applications for
4801 electrical power plants to be constructed and operated at sites
4802 which have been previously certified for an ultimate site
4803 capacity.

4804 (d) Any time limitation in this section or in rules adopted
4805 pursuant to this section may be altered pursuant to s. 403.5095.

4806 Section 74. Subsections (1), (2), and (3) of section
4807 403.5175, Florida Statutes, are amended to read:

4808 403.5175 Existing electrical power plant site
4809 certification.--

4810 (1) An electric utility that owns or operates an existing
4811 electrical power plant as defined in s. 403.503(14) ~~s.~~
4812 ~~403.503(13)~~ may apply for certification of an existing power
4813 plant and its site in order to obtain all agency licenses
4814 necessary to ensure compliance with federal or state

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4815 environmental laws and regulation using the centrally
4816 coordinated, one-stop licensing process established by this part.
4817 An application for ~~site~~ certification under this section must be
4818 in the form prescribed by department rule. Applications must be
4819 reviewed and processed using the same procedural steps and
4820 notices as for an application for a new facility, except that a
4821 determination of need by the Public Service Commission is not
4822 required.

4823 (2) An application for certification under this section
4824 must include:

4825 (a) A description of the site and existing power plant
4826 installations, and associated facilities;

4827 (b) A description of all proposed changes or alterations to
4828 the site and ~~or electrical power plant, including~~ all new
4829 associated facilities that are the subject of the application;

4830 (c) A description of the environmental and other impacts
4831 caused by the existing utilization of the site and ~~directly~~
4832 associated facilities, and the operation of the electrical power
4833 plant that is the subject of the application, and of the
4834 environmental and other benefits, if any, to be realized as a
4835 result of the proposed changes or alterations if certification is
4836 approved and such other information as is necessary for the
4837 reviewing agencies to evaluate the proposed changes and the
4838 expected impacts;

4839 (d) The justification for the proposed changes or
4840 alterations;

4841 (e) Copies of all existing permits, licenses, and
4842 compliance plans authorizing utilization of the site and directly
4843 associated facilities or operation of the electrical power plant

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4844 that is the subject of the application.

4845 (3) The land use and zoning determination requirements of
4846 s. 403.50665 do not apply to an application under this section if
4847 the applicant does not propose to expand the boundaries of the
4848 existing site or to add additional offsite associated facilities
4849 that are not exempt from the provisions of s. 403.50665. If the
4850 applicant proposes to expand the boundaries of the existing site
4851 or to add additional offsite facilities that are not exempt from
4852 the provisions of s. 403.50665 to accommodate portions of the
4853 electrical generating facility plant or associated facilities, a
4854 land use and zoning determination shall be made as specified in
4855 s. 403.50665; provided, however, that the sole issue for
4856 determination is whether the proposed site expansion or
4857 additional non-exempt associated facilities are ~~is~~ consistent and
4858 in compliance with the existing land use plans and zoning
4859 ordinances.

4860 Section 75. Section 403.518, Florida Statutes, is amended
4861 to read:

4862 403.518 Fees; disposition.--The department shall charge the
4863 applicant the following fees, as appropriate, which, unless
4864 otherwise specified, shall be paid into the Florida Permit Fee
4865 Trust Fund:

4866 (1) A fee for a notice of intent pursuant to s. 403.5063,
4867 in the amount of \$2,500, to be submitted to the department at the
4868 time of filing of a notice of intent. The notice-of-intent fee
4869 shall be used and disbursed in the same manner as the application
4870 fee.

4871 (2) An application fee, which shall not exceed \$200,000.
4872 The fee shall be fixed by rule on a sliding scale related to the

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4873 size, type, ultimate site capacity, or increase in electrical
4874 generating capacity proposed by the application.

4875 (a) Sixty percent of the fee shall go to the department to
4876 cover any costs associated with coordinating the review and
4877 acting upon the application, to cover any field services
4878 associated with monitoring construction and operation of the
4879 facility, and to cover the costs of the public notices published
4880 by the department.

4881 (b) The following percentages shall be transferred to the
4882 Operating Trust Fund of the Division of Administrative Hearings
4883 of the Department of Management Services:

4884 1. Five percent to compensate expenses from the initial
4885 exercise of duties associated with the filing of an application.

4886 2. An additional 5 percent if a land use hearing is held
4887 pursuant to s. 403.508.

4888 3. An additional 10 percent if a certification hearing is
4889 held pursuant to s. 403.508.

4890 (c)1. Upon written request with proper itemized accounting
4891 within 90 days after final agency action by the board, Secretary
4892 when applicable, or withdrawal of the application, the agencies
4893 that prepared reports pursuant to s. 403.507 or participated in a
4894 hearing pursuant to s. 403.508 may submit a written request to
4895 the department for reimbursement of expenses incurred during the
4896 certification proceedings. The request shall contain an
4897 accounting of expenses incurred which may include time spent
4898 reviewing the application, preparation of any studies required of
4899 the agencies by this act, agency travel and per diem to attend
4900 any hearing held pursuant to this act, and for any ~~agency or~~
4901 local government's or regional planning council's provision of

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4902 notice of public meetings ~~or hearings~~ required as a result of the
4903 application for certification. The department shall review the
4904 request and verify that the expenses are valid. Valid expenses
4905 shall be reimbursed; however, in the event the amount of funds
4906 available for reimbursement is insufficient to provide for full
4907 compensation to the agencies requesting reimbursement,
4908 reimbursement shall be on a prorated basis.

4909 2. If the application review is held in abeyance for more
4910 than 1 year, the agencies may submit a request for reimbursement.
4911 This time period shall be measured from the date the applicant
4912 has provided written notification to the department that it
4913 desires to have application review process placed on hold. The
4914 fee disbursement shall be processed in accordance with
4915 subparagraph 1.

4916 (d) If any sums are remaining, the department shall retain
4917 them for its use in the same manner as is otherwise authorized by
4918 this act; provided, however, that if the certification
4919 application is withdrawn, the remaining sums shall be refunded to
4920 the applicant within 90 days after the submittal of the written
4921 notification of withdrawal.

4922 (3) (a) A certification modification fee, which shall not
4923 exceed \$30,000. The department shall establish rules for
4924 determining such a fee based on the number of agencies involved
4925 in the review, equipment redesign, change in site size, type,
4926 increase in generating capacity proposed, or change in an
4927 associated ~~linear~~ facility location.

4928 (b) The fee shall be submitted to the department with a
4929 petition for modification pursuant to s. 403.516. This fee shall
4930 be established, disbursed, and processed in the same manner as

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4931 the application fee in subsection (2), except that the Division
4932 of Administrative Hearings shall not receive a portion of the fee
4933 unless the petition for certification modification is referred to
4934 the Division of Administrative Hearings for hearing. If the
4935 petition is so referred, only \$10,000 of the fee shall be
4936 transferred to the Operating Trust Fund of the Division of
4937 Administrative Hearings of the Department of Management Services.

4938 (4) A supplemental application fee, not to exceed \$75,000,
4939 to cover all reasonable expenses and costs of the review,
4940 processing, and proceedings of a supplemental application. This
4941 fee shall be established, disbursed, and processed in the same
4942 manner as the certification application fee in subsection (2).

4943 (5) An existing ~~site~~ certification application fee, not to
4944 exceed \$200,000, to cover all reasonable costs and expenses of
4945 the review processing and proceedings for certification of an
4946 existing power plant site under s. 403.5175. This fee must be
4947 established, disbursed, and processed in the same manner as the
4948 certification application fee in subsection (2).

4949 (6) (a) An application fee for an alternate corridor filed
4950 pursuant to s. 403.5064(4). The application fee shall be \$750
4951 per mile for each mile of the alternate corridor located within
4952 an existing electric transmission line right-of-way or within an
4953 existing right-of-way for a road, highway, railroad, or other
4954 aboveground linear facility, or \$1,000 per mile for each mile of
4955 an electric transmission line corridor proposed to be located
4956 outside the existing right-of-way.

4957 Section 76. Subsection (4) of section 403.519, Florida
4958 Statutes, is amended to read:

4959 403.519 Exclusive forum for determination of need.--

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4960 (4) In making its determination on a proposed electrical
4961 power plant using nuclear materials or synthesis gas produced by
4962 integrated gasification combined cycle power plant as fuel, the
4963 commission shall hold a hearing within 90 days after the filing
4964 of the petition to determine need and shall issue an order
4965 granting or denying the petition within 135 days after the date
4966 of the filing of the petition. The commission shall be the sole
4967 forum for the determination of this matter and the issues
4968 addressed in the petition, which accordingly shall not be
4969 reviewed in any other forum, or in the review of proceedings in
4970 such other forum. In making its determination to either grant or
4971 deny the petition, the commission shall consider the need for
4972 electric system reliability and integrity, including fuel
4973 diversity, the need for base-load generating capacity, the need
4974 for adequate electricity at a reasonable cost, and whether
4975 renewable energy sources and technologies, as well as
4976 conservation measures, are utilized to the extent reasonably
4977 available.

4978 (a) The applicant's petition shall include:

- 4979 1. A description of the need for the generation capacity.
- 4980 2. A description of how the proposed nuclear or integrated
4981 gasification combined cycle power plant will enhance the
4982 reliability of electric power production within the state by
4983 improving the balance of power plant fuel diversity and reducing
4984 Florida's dependence on fuel oil and natural gas.
- 4985 3. A description of and a nonbinding estimate of the cost
4986 of the nuclear or integrated gasification combined cycle power
4987 plant, including any costs associated with new, enlarged, or
4988 relocated electrical transmission lines or facilities of any size

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4989 that are necessary to serve the nuclear power plant.

4990 4. The annualized base revenue requirement for the first 12
4991 months of operation of the nuclear or integrated gasification
4992 combined cycle power plant.

4993 5. Information on whether there were any discussions with
4994 any electric utilities regarding ownership of a portion of the
4995 nuclear or integrated gasification combined cycle power plant by
4996 such electric utilities.

4997 (b) In making its determination, the commission shall take
4998 into account matters within its jurisdiction, which it deems
4999 relevant, including whether the nuclear or integrated
5000 gasification combined cycle power plant will:

5001 1. Provide needed base-load capacity.

5002 2. Enhance the reliability of electric power production
5003 within the state by improving the balance of power plant fuel
5004 diversity and reducing Florida's dependence on fuel oil and
5005 natural gas.

5006 3. Provide the most cost-effective source of power, taking
5007 into account the need to improve the balance of fuel diversity,
5008 reduce Florida's dependence on fuel oil and natural gas, reduce
5009 air emission compliance costs, and contribute to the long-term
5010 stability and reliability of the electric grid.

5011 (c) No provision of rule 25-22.082, Florida Administrative
5012 Code, shall be applicable to a nuclear or integrated gasification
5013 combined cycle power plant sited under this act, including
5014 provisions for cost recovery, and an applicant shall not
5015 otherwise be required to secure competitive proposals for power
5016 supply prior to making application under this act or receiving a
5017 determination of need from the commission.

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5018 (d) The commission's determination of need for a nuclear or
5019 integrated gasification combined cycle power plant shall create a
5020 presumption of public need and necessity and shall serve as the
5021 commission's report required by s. 403.507(4) (a). An order
5022 entered pursuant to this section constitutes final agency action.
5023 Any petition for reconsideration of a final order on a petition
5024 for need determination shall be filed within 5 days after the
5025 date of such order. The commission's final order, including any
5026 order on reconsideration, shall be reviewable on appeal in the
5027 Florida Supreme Court. Inasmuch as delay in the determination of
5028 need will delay siting of a nuclear or integrated gasification
5029 combined cycle power plant or diminish the opportunity for
5030 savings to customers under the federal Energy Policy Act of 2005,
5031 the Supreme Court shall proceed to hear and determine the action
5032 as expeditiously as practicable and give the action precedence
5033 over matters not accorded similar precedence by law.

5034 (e) After a petition for determination of need for a
5035 nuclear or integrated gasification combined cycle power plant has
5036 been granted, the right of a utility to recover any costs
5037 incurred prior to commercial operation, including, but not
5038 limited to, costs associated with the siting, design, licensing,
5039 or construction of the plant and new, expanded, or relocated
5040 electrical transmission lines or facilities of any size that are
5041 necessary to serve the nuclear power plant, shall not be subject
5042 to challenge unless and only to the extent the commission finds,
5043 based on a preponderance of the evidence adduced at a hearing
5044 before the commission under s. 120.57, that certain costs were
5045 imprudently incurred. Proceeding with the construction of the
5046 nuclear or integrated gasification combined cycle power plant

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5047 following an order by the commission approving the need for the
5048 nuclear or integrated gasification combined cycle power plant
5049 under this act shall not constitute or be evidence of imprudence.
5050 Imprudence shall not include any cost increases due to events
5051 beyond the utility's control. Further, a utility's right to
5052 recover costs associated with a nuclear or integrated
5053 gasification combined cycle power plant may not be raised in any
5054 other forum or in the review of proceedings in such other forum.
5055 Costs incurred prior to commercial operation shall be recovered
5056 pursuant to chapter 366.

5057 Section 77. Subsection (1) of section 403.5252, Florida
5058 Statutes, is amended to read:

5059 403.5252 Determination of completeness.--

5060 (1) (a) Within 30 days after the filing ~~distribution~~ of an
5061 application, the affected agencies shall file a statement with
5062 the department containing the recommendations of each agency
5063 concerning the completeness of the application for certification.

5064 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
5065 application ~~completeness statements of each agency~~, the
5066 department shall file a statement with the Division of
5067 Administrative Hearings, with the applicant, and with all parties
5068 declaring its position with regard to the completeness of the
5069 application. The statement of the department shall be based upon
5070 its consultation with the affected agencies.

5071 Section 78. Subsections (1) and (2) of section 403.526,
5072 Florida Statutes, are amended to read:

5073 403.526 Preliminary statements of issues, reports, and
5074 project analyses; studies.--

5075 (1) Each affected agency that is required to file a report

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5076 in accordance with this section shall submit a preliminary
5077 statement of issues to the department and all parties no later
5078 than the submittal of each agency's recommendation that the
5079 application is complete ~~50 days after the filing of the~~
5080 ~~application. Such statements of issues shall be made available to~~
5081 ~~each local government for use as information for public meetings~~
5082 ~~held under s. 403.5272.~~ The failure to raise an issue in this
5083 preliminary statement of issues does not preclude the issue from
5084 being raised in the agency's report.

5085 (2) (a) The following agencies shall prepare reports as
5086 provided below and shall submit them to the department and the
5087 applicant no later than 90 days after the filing of the
5088 application, unless a final order denying the Determination of
5089 Need has been issued under the provisions of s. 403.537:

5090 1. The department shall prepare a report as to the impact
5091 of each proposed transmission line or corridor as it relates to
5092 matters within its jurisdiction.

5093 2. Each water management district in the jurisdiction of
5094 which a proposed transmission line or corridor is to be located
5095 shall prepare a report as to the impact on water resources and
5096 other matters within its jurisdiction.

5097 3. The Department of Community Affairs shall prepare a
5098 report containing recommendations which address the impact upon
5099 the public of the proposed transmission line or corridor, based
5100 on the degree to which the proposed transmission line or corridor
5101 is consistent with the applicable portions of the state
5102 comprehensive plan, emergency management, and other matters
5103 within its jurisdiction. The Department of Community Affairs may
5104 also comment on the consistency of the proposed transmission line

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5105 | or corridor with applicable strategic regional policy plans or
5106 | local comprehensive plans and land development regulations.

5107 | 4. The Fish and Wildlife Conservation Commission shall
5108 | prepare a report as to the impact of each proposed transmission
5109 | line or corridor on fish and wildlife resources and other matters
5110 | within its jurisdiction.

5111 | 5. Each local government shall prepare a report as to the
5112 | impact of each proposed transmission line or corridor on matters
5113 | within its jurisdiction, including the consistency of the
5114 | proposed transmission line or corridor with all applicable local
5115 | ordinances, regulations, standards, or criteria that apply to the
5116 | proposed transmission line or corridor, including local
5117 | comprehensive plans, zoning regulations, land development
5118 | regulations, and any applicable local environmental regulations
5119 | adopted pursuant to s. 403.182 or by other means. A change by the
5120 | responsible local government or local agency in local
5121 | comprehensive plans, zoning ordinances, or other regulations made
5122 | after the date required for the filing of the local government's
5123 | report required by this section is not applicable to the
5124 | certification of the proposed transmission line or corridor
5125 | unless the certification is denied or the application is
5126 | withdrawn.

5127 | 6. Each regional planning council shall present a report
5128 | containing recommendations that address the impact upon the
5129 | public of the proposed transmission line or corridor based on the
5130 | degree to which the transmission line or corridor is consistent
5131 | with the applicable provisions of the strategic regional policy
5132 | plan adopted under chapter 186 and other impacts of each proposed
5133 | transmission line or corridor on matters within its jurisdiction.

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5134 7. The Department of Transportation shall prepare a report
5135 as to the impact of the proposed transmission line or corridor on
5136 state roads, railroads, airports, aeronautics, seaports, and
5137 other matters within its jurisdiction.

5138 8. The commission shall prepare a report containing its
5139 determination under s. 403.537, and the report may include the
5140 comments from the commission with respect to any other subject
5141 within its jurisdiction.

5142 9. Any other agency, if requested by the department, shall
5143 also perform studies or prepare reports as to subjects within the
5144 jurisdiction of the agency which may potentially be affected by
5145 the proposed transmission line.

5146 (b) Each report must contain:

5147 1. A notice of any nonprocedural requirements not
5148 specifically listed in the application from which a variance,
5149 exemption, exception, or other relief is necessary in order for
5150 the proposed corridor to be certified. Failure to include the
5151 notice shall be treated as a waiver from the nonprocedural
5152 requirements of that agency.

5153 2. A recommendation for approval or denial of the
5154 application.

5155 3. The proposed conditions of certification on matters
5156 within the jurisdiction of each agency. For each condition
5157 proposed by an agency, the agency shall list the specific
5158 statute, rule, or ordinance, as applicable, which authorizes the
5159 proposed condition.

5160 (c) Each reviewing agency shall initiate the activities
5161 required by this section no later than 15 days after the
5162 application is filed. Each agency shall keep the applicant and

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5163 the department informed as to the progress of its studies and any
5164 issues raised thereby.

5165 (d) When an agency whose agency head is a collegial body,
5166 such as a commission, board, or council, is required to submit a
5167 report pursuant to this section and is required by its own
5168 internal procedures to have the report reviewed by its agency
5169 head prior to finalization, the agency may submit to the
5170 department a draft version of the report by the deadline
5171 indicated in paragraph (a), and shall submit a final version of
5172 the report after review by the agency head, no later than 15 days
5173 after the deadline indicated in paragraph (a).

5174 (e) Receipt of an affirmative determination of need from
5175 the commission by the submittal deadline for agency reports under
5176 paragraph (a) is a condition precedent to further processing of
5177 the application.

5178 Section 79. Subsections (4) and (6) of section 403.527,
5179 Florida Statutes, are amended to read:

5180 403.527 Certification hearing, parties, participants.--

5181 (4) (a) One public hearing where members of the public who
5182 are not parties to the certification hearing may testify shall be
5183 held in conjunction with the certification hearing.

5184 (b) Upon the request of the local government, one public
5185 hearing where members of the public who are not parties to the
5186 certification hearing and who reside within the jurisdiction of
5187 the local government may testify shall be held within the
5188 boundaries of each county in which a local government that made
5189 such a request is located, at the option of any local government.

5190 (c) (a) A local government shall notify the administrative
5191 law judge and all parties not later than 80 days prior to the

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5192 ~~certification hearing 21 days after the application has been~~
5193 ~~determined complete as to whether the local government wishes to~~
5194 ~~have a public hearing within the boundaries of its county. If a~~
5195 ~~filing for an alternate corridor is accepted for consideration~~
5196 ~~under s. 403.5271(1) by the department and the applicant, any~~
5197 ~~newly affected local government must notify the administrative~~
5198 ~~law judge and all parties not later than 10 days after the data~~
5199 ~~concerning the alternate corridor has been determined complete as~~
5200 ~~to whether the local government wishes to have such a public~~
5201 ~~hearing. The local government is responsible for providing the~~
5202 ~~location of the public hearing if held separately from the~~
5203 ~~certification hearing.~~

5204 ~~(d) (b)~~ Within 5 days after notification, the administrative
5205 law judge shall determine the date of the public hearing, which
5206 shall be held before or during the certification hearing. If two
5207 or more local governments within one county request a public
5208 hearing, the hearing shall be consolidated so that only one
5209 public hearing is held in any county. The location of a
5210 consolidated hearing shall be determined by the administrative
5211 law judge.

5212 ~~(e) (c)~~ If a local government does not request a public
5213 hearing by the deadline specified in subparagraph 1. ~~within 21~~
5214 ~~days after the application has been determined complete, then~~
5215 ~~members of the public who are not parties to the certification~~
5216 ~~hearing and who reside persons residing within the jurisdiction~~
5217 ~~of the local government may testify during the ~~that portion of~~~~
5218 ~~the certification hearing held under the provisions of paragraph~~
5219 ~~(4) (a) at which public testimony is heard.~~

5220 (6) (a) No later than 29 ~~25~~ days before the certification

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5221 hearing, the department or the applicant may request that the
5222 administrative law judge cancel the certification hearing and
5223 relinquish jurisdiction to the department if all parties to the
5224 proceeding stipulate that there are no disputed issues of
5225 material fact or law ~~to be raised at the certification hearing.~~

5226 (b) The administrative law judge shall issue an order
5227 granting or denying the request within 5 days.

5228 (c) If the administrative law judge grants the request, the
5229 department and the applicant shall publish notices of the
5230 cancellation of the certification hearing in accordance with s.
5231 403.5363.

5232 (d)1. If the administrative law judge grants the request,
5233 the department shall prepare and issue a final order in
5234 accordance with s. 403.529(1)(a).

5235 2. Parties may submit proposed final orders to the
5236 department no later than 10 days after the administrative law
5237 judge issues an order relinquishing jurisdiction.

5238 Section 80. Subsection (1) of section 403.5271, Florida
5239 Statutes, is amended to read:

5240 403.5271 Alternate corridors.--

5241 (1) No later than 45 days before the originally scheduled
5242 certification hearing, any party may propose alternate
5243 transmission line corridor routes for consideration under the
5244 provisions of this act.

5245 (a) A notice of a proposed alternate corridor must be filed
5246 with the administrative law judge, all parties, and any local
5247 governments in whose jurisdiction the alternate corridor is
5248 proposed. The filing must include the most recent United States
5249 Geological Survey 1:24,000 quadrangle maps specifically

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5250 delineating the corridor boundaries, a description of the
5251 proposed corridor, and a statement of the reasons the proposed
5252 alternate corridor should be certified.

5253 (b)1. Within 7 days after receipt of the notice, the
5254 applicant and the department shall file with the administrative
5255 law judge and all parties a notice of acceptance or rejection of
5256 a proposed alternate corridor for consideration. If the alternate
5257 corridor is rejected by the applicant or the department, the
5258 certification hearing and the public hearings shall be held as
5259 scheduled. If both the applicant and the department accept a
5260 proposed alternate corridor for consideration, the certification
5261 hearing and the public hearings shall be rescheduled, if
5262 necessary. If a filing for an alternate corridor is accepted for
5263 consideration by the department and the applicant, any newly
5264 affected local government must notify the administrative law
5265 judge and all parties not later than 65 days prior to the
5266 rescheduled certification hearing as to whether the local
5267 government wishes to have such a public hearing. The local
5268 government is responsible for providing the location of the
5269 public hearing if held separately from the certification hearing.
5270 The provisions of s. 403.527(4)(b) and (c) shall apply. Notice
5271 of the local hearings shall be published in accordance with s.
5272 403.5363.

5273 2. If rescheduled, the certification hearing shall be held
5274 no more than 90 days after the previously scheduled certification
5275 hearing, unless the data submitted under paragraph (d) is
5276 determined to be incomplete, in which case the rescheduled
5277 certification hearing shall be held no more than 105 days after
5278 the previously scheduled certification hearing. If additional

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5279 time is needed due to the alternate corridor crossing a local
5280 government jurisdiction that was not previously affected, the
5281 remainder of the schedule listed below shall be appropriately
5282 adjusted by the administrative law judge to allow that local
5283 government to prepare a report pursuant to s. 403.526(2)(a)5.
5284 Notice that the certification hearing has been deferred due to
5285 the acceptance of the alternate corridor shall be published in
5286 accordance with s. 403.5363.

5287 (c) Notice of the filing of the alternate corridor, ~~of the~~
5288 ~~revised time schedules, of the deadline for newly affected~~
5289 ~~persons and agencies to file notice of intent to become a party,~~
5290 ~~of the rescheduled hearing date, and of the proceedings~~ shall be
5291 published by the alternate proponent in accordance with s.
5292 403.5363(2) and (6). If the notice is not timely published or
5293 does not meet the notice requirements, the alternate shall be
5294 deemed withdrawn.

5295 (d) Within 21 days after acceptance of an alternate
5296 corridor by the department and the applicant, the party proposing
5297 an alternate corridor shall have the burden of providing all data
5298 to the agencies listed in s. 403.526(2) and newly affected
5299 agencies necessary for the preparation of a supplementary report
5300 on the proposed alternate corridor.

5301 (e)1. Reviewing agencies shall advise the department of any
5302 issues concerning completeness no later than 15 days after the
5303 submittal of the data required by paragraph (d). Within 22 days
5304 after receipt of the data, the department shall issue a
5305 determination of completeness.

5306 2. If the department determines that the data required by
5307 paragraph (d) is not complete, the party proposing the alternate

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5308 corridor must file such additional data to correct the
5309 incompleteness. This additional data must be submitted within 14
5310 days after the determination by the department.

5311 3. Reviewing agencies may advise the department of any
5312 issues concerning completeness of the additional data within 10
5313 days after the filing by the party proposing the alternate
5314 corridor. If the department, within 14 days after receiving the
5315 additional data, determines that the data remains incomplete, the
5316 incompleteness of the data is deemed a withdrawal of the proposed
5317 alternate corridor. The department may make its determination
5318 based on recommendations made by other affected agencies.

5319 (f) The agencies listed in s. 403.526(2) and any newly
5320 affected agencies shall file supplementary reports with the
5321 applicant and the department which address the proposed alternate
5322 corridors no later than 24 days after the data submitted pursuant
5323 to paragraph (d) or paragraph (e) is determined to be complete.

5324 (g) The agency reports on alternate corridors must include
5325 all information required by s. 403.526(2).

5326 (h) When an agency whose agency head is a collegial body,
5327 such as a commission, board, or council, is required to submit a
5328 report pursuant to this section and is required by its own
5329 internal procedures to have the report reviewed by its agency
5330 head prior to finalization, the agency may submit to the
5331 department a draft version of the report by the deadline
5332 indicated in paragraph (f), and shall submit a final version of
5333 the report after review by the agency head no later than 7 days
5334 after the deadline indicated in paragraph (f).

5335 (i) The department shall file with the administrative law
5336 judge, the applicant, and all parties a project analysis

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5337 consistent with s. 403.526(3) no more than 16 days after
5338 submittal of agency reports on the proposed alternate corridor.

5339 Section 81. Subsection (3) of section 403.5272, Florida
5340 Statutes, is amended to read:

5341 403.5272 Informational public meetings.--

5342 (3) A local government or regional planning council that
5343 intends to conduct an informational public meeting must provide
5344 notice of the meeting, with notice sent to all parties listed in
5345 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and
5346 to the general public, in accordance with the provisions of s.
5347 403.5363(4).

5348 Section 82. Subsection (1) of section 403.5312, Florida
5349 Statutes, is amended to read:

5350 403.5312 Filing of notice of certified corridor route.--

5351 (1) Within 60 days after certification of a ~~directly~~
5352 ~~associated transmission line under ss. 403.501-403.518 or a~~
5353 transmission line corridor under ss. 403.52-403.5365, the
5354 applicant shall file with the department and, in accordance with
5355 s. 28.222, with the clerk of the circuit court for each county
5356 through which the corridor will pass, a notice of the certified
5357 route.

5358 Section 83. Section 403.5363, Florida Statutes, is amended
5359 to read:

5360 403.5363 Public notices; requirements.--

5361 (1)(a) The applicant shall arrange for the publication of
5362 the notices specified in paragraph (b).

5363 1. The notices shall be published in newspapers of general
5364 circulation within counties crossed by the transmission line
5365 corridors proper for certification. The required newspaper

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5366 notices ~~for filing of an application and for the certification~~
5367 ~~hearing shall be one-half page in size in a standard-size~~
5368 ~~newspaper or a full page in a tabloid-size newspaper and~~
5369 published in a section of the newspaper other than the section
5370 for legal notices. ~~These two notices must include a map generally~~
5371 ~~depicting all transmission corridors proper for certification.~~ A
5372 newspaper of general circulation shall be the newspaper within a
5373 county crossed by a transmission line corridor proper for
5374 certification which newspaper has the largest daily circulation
5375 in that county and has its principal office in that county. If
5376 the newspaper having the largest daily circulation has its
5377 principal office outside the county, the notices must appear in
5378 both the newspaper having the largest circulation in that county
5379 and in a newspaper authorized to publish legal notices in that
5380 county.

5381 2. The department shall adopt rules specifying the content
5382 of the newspaper notices.

5383 3. All notices published by the applicant shall be paid for
5384 by the applicant and shall be in addition to the application fee.

5385 (b) Public notices that must be published under this
5386 section include:

5387 1. The notice of the filing of an application, which must
5388 include a description of the proceedings required by this act.
5389 The notice must describe the provisions of s. 403.531(1) and (2)
5390 and give the date by which notice of intent to be a party or a
5391 petition to intervene in accordance with s. 403.527(2) must be
5392 filed. This notice must be published no more than 21 days after
5393 the application is filed. The notice shall, at a minimum, be
5394 one-half page in size in a standard-size newspaper or a full page

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5395 in a tabloid-size newspaper. The notice must include a map
5396 generally depicting all transmission corridors proper for
5397 certification.

5398 2. The notice of the certification hearing and any ~~other~~
5399 public hearing held permitted under s. 403.527(4). The notice
5400 must include the date by which a person wishing to appear as a
5401 party must file the notice to do so. The notice of the originally
5402 scheduled certification hearing must be published at least 65
5403 days before the date set for the certification hearing. The
5404 notice shall meet the same size and map requirements required in
5405 subparagraph 1.

5406 3. The notice of the cancellation of the certification
5407 hearing under s. 403.527(6), if applicable. The notice must be
5408 published at least 3 days before the date of the originally
5409 scheduled certification hearing. The notice shall, at a minimum,
5410 be one-quarter page in size in a standard-size newspaper or one-
5411 half page in a tabloid-size newspaper. The notice shall not
5412 require a map to be included.

5413 4. The notice of the deferment of the certification hearing
5414 due to the acceptance of an alternate corridor under s.
5415 403.5272(1)(b)2. The notice must be published at least 7 days
5416 before the date of the originally scheduled certification
5417 hearing. The notice shall, at a minimum, be one-eighth page in
5418 size in a standard-size newspaper or one-quarter page in a
5419 tabloid-size newspaper. The notice shall not require a map to be
5420 included.

5421 5. If the notice of the rescheduled certification hearing
5422 required of an alternate proponent under s. 403.5271(1)(c) is not
5423 timely published or does not meet the notice requirements such

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5424 that an alternate corridor is withdrawn under the provisions of
5425 s. 403.5271(1)(c), the notice of rescheduled hearing and any
5426 local hearings shall be provided by the applicant at least 30
5427 days prior to the rescheduled certification hearing.

5428 6.4. The notice of the filing of a proposal to modify the
5429 certification submitted under s. 403.5315, if the department
5430 determines that the modification would require relocation or
5431 expansion of the transmission line right-of-way or a certified
5432 substation.

5433 (2) Each ~~The~~ proponent of an alternate corridor shall
5434 arrange for newspaper notice of the publication of the filing of
5435 the proposal for an alternate corridor. If there is more than
5436 one alternate proponent, the proponents may jointly publish
5437 notice, so long as the content requirements below are met and the
5438 maps are legible.

5439 (a) The notice shall specify, the revised time schedules,
5440 the date by which newly affected persons or agencies may file the
5441 notice of intent to become a party, ~~and~~ the date of the
5442 rescheduled hearing, and any public hearing held under s.
5443 403.527(1)(b)1.

5444 (b) A notice listed in this subsection must be published in
5445 a newspaper of general circulation within the county or counties
5446 crossed by the proposed alternate corridor and comply with the
5447 content, size, and map requirements set forth in this section
5448 ~~paragraph (1)(a).~~

5449 (c) The notice of the alternate corridor proposal must be
5450 published not less than 45 ~~50~~ days before the rescheduled
5451 certification hearing.

5452 (3) The department shall arrange for the publication of the

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5453 following notices in the manner specified by chapter 120:

5454 (a) The notice of the filing of an application and the date
5455 by which a person intending to become a party must file a
5456 petition to intervene or a notice of intent to be a party. The
5457 notice must be published no later than 21 days after the
5458 application has been filed.

5459 (b) The notice of any administrative hearing for
5460 certification, if applicable. The notice must be published not
5461 less than 65 days before the date set for a hearing, except that
5462 notice for a rescheduled certification hearing after acceptance
5463 of an alternative corridor must be published not less than 50
5464 days before the date set for the hearing.

5465 (c) The notice of the cancellation of a certification
5466 hearing under s. 403.527(6), if applicable. The notice must be
5467 published not later than 7 days before the date of the originally
5468 scheduled certification hearing.

5469 (d) The notice of the deferment of the certification
5470 hearing due to the acceptance of an alternate corridor under s.
5471 403.527(1)(b)2. The notice must be published at least 7 days
5472 before the date of the originally scheduled certification
5473 hearing.

5474 (e)~~(d)~~ The notice of the hearing before the siting board,
5475 if applicable.

5476 (f)~~(e)~~ The notice of stipulations, proposed agency action,
5477 or a petition for modification.

5478 (4) A local government or regional planning council that
5479 proposes to conduct an informational public meeting pursuant to
5480 s. 403.5272 must publish notice of the meeting in a newspaper of
5481 general circulation within the county or counties in which the

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5482 proposed electrical transmission line will be located no later
5483 than 7 days prior to the meeting. A newspaper of general
5484 circulation shall be the newspaper which has the largest daily
5485 circulation in that county and has its principal office in that
5486 county. If the newspaper with the largest daily circulation has
5487 its principal office outside the county, the notices shall appear
5488 in both the newspaper having the largest circulation in that
5489 county and in a newspaper authorized to publish legal notices in
5490 that county.

5491 (5) (a) A good faith effort shall be made by the applicant
5492 to provide direct notice of the filing of an application for
5493 certification by U.S. mail or hand delivery no later than 45 days
5494 after filing of the application to all local landowners whose
5495 property, as noted in the most recent local government tax
5496 records, and residences, are located within one-quarter mile of
5497 the proposed boundaries of the proposed electrical transmission
5498 line corridors, that include a transmission line defined by s.
5499 403.522(22).

5500 (b) No later than 60 days after the filing of an
5501 application for certification, the applicant shall file a list
5502 with the department's Siting Coordination Office of landowners
5503 and residences that were notified.

5504 (6) (a) A good faith effort shall be made by the proponent
5505 of an alternate corridor to provide direct notice of the filing
5506 of an alternate corridor for certification by U.S. mail or hand
5507 delivery of the filing of no later than 30 days after filing of
5508 the alternate corridor to all local landowners whose property, as
5509 noted in the most recent local government tax records, and
5510 residences, are located within one-quarter mile of the proposed

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5511 boundaries of the proposed alternate transmission line corridor
5512 that includes a transmission line defined by 403.522(22).

5513 (b) No later than 45 days after the filing of an alternate
5514 corridor for certification, the proponent of an alternate
5515 corridor shall file a list with the department's Siting
5516 Coordination Office of landowners and residences that were
5517 notified.

5518 Section 84. Subsection (1) of section 403.5365, Florida
5519 Statutes, is amended to read:

5520 403.5365 Fees; disposition.--The department shall charge
5521 the applicant the following fees, as appropriate, which, unless
5522 otherwise specified, shall be paid into the Florida Permit Fee
5523 Trust Fund:

5524 (1) An application fee.

5525 (a) The application fee shall be \$100,000, plus \$750 per
5526 mile for each mile of corridor in which the transmission line
5527 right-of-way is proposed to be located within an existing
5528 electric transmission line right-of-way or within any existing
5529 right-of-way for any road, highway, railroad, or other
5530 aboveground linear facility, or \$1,000 per mile for each mile of
5531 electric transmission line corridor proposed to be located
5532 outside the existing right-of-way.

5533 (b) Sixty percent of the fee shall go to the department to
5534 cover any costs associated with coordinating the review of and
5535 acting upon the application and any costs for field services
5536 associated with monitoring construction and operation of the
5537 electric transmission line facility.

5538 (c) The following percentages shall be transferred to the
5539 Operating Trust Fund of the Division of Administrative Hearings

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5540 of the Department of Management Services:

5541 1. Five percent to compensate for expenses from the initial
5542 exercise of duties associated with the filing of an application.

5543 2. An additional 10 percent if an administrative hearing
5544 under s. 403.527 is held.

5545 (d)1. Upon written request with proper itemized accounting
5546 within 90 days after final agency action by the siting board or
5547 the department or written notification of the withdrawal of the
5548 application, the agencies that prepared reports under s. 403.526
5549 or s. 403.5271 or participated in a hearing under s. 403.527 or
5550 s. 403.5271 may submit a written request to the department for
5551 reimbursement of expenses incurred during the certification
5552 proceedings. The request must contain an accounting of expenses
5553 incurred, which may include time spent reviewing the application,
5554 preparation of any studies required of the agencies by this act,
5555 agency travel and per diem to attend any hearing held under this
5556 act, and for the local government or regional planning council
5557 providing additional notice of the informational public meeting.
5558 The department shall review the request and verify whether a
5559 claimed expense is valid. Valid expenses shall be reimbursed;
5560 however, if the amount of funds available for reimbursement is
5561 insufficient to provide for full compensation to the agencies,
5562 reimbursement shall be on a prorated basis.

5563 2. If the application review is held in abeyance for more
5564 than 1 year, the agencies may submit a request for reimbursement
5565 under subparagraph 1. This time period shall be measured from the
5566 date the applicant has provided written notification to the
5567 department that it desires to have the application review process
5568 placed on hold. The fee disbursement shall be processed in

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5569 accordance with subparagraph 1.

5570 (e) If any sums are remaining, the department shall retain
5571 them for its use in the same manner as is otherwise authorized by
5572 this section; however, if the certification application is
5573 withdrawn, the remaining sums shall be refunded to the applicant
5574 within 90 days after submittal of the written notification of
5575 withdrawal.

5576 Section 85. Section 403.7031, Florida Statutes, is amended
5577 to read:

5578 403.7031 Limitations on definitions adopted by local
5579 ordinance.--A county or a municipality may ~~shall~~ not adopt by
5580 ordinance, or use in practice, any definition that is
5581 inconsistent with the definitions in s. 403.703.

5582 Section 86. Section 403.7055, Florida Statutes, is created
5583 to read:

5584 403.7055 Methane capture.--

5585 (1) Each county is encouraged to form multicounty regional
5586 solutions to the capture and reuse or sale of methane gas from
5587 landfills and wastewater treatment facilities.

5588 (2) The department shall provide planning guidelines and
5589 technical assistance to each county to develop and implement such
5590 multicounty efforts.

5591 Section 87. Paragraph (i) of subsection (6) of section
5592 403.814, Florida Statutes, is amended to read:

5593 403.814 General permits; delegation.--

5594 (6) Construction and maintenance of electric transmission
5595 or distribution lines in wetlands by electric utilities, as
5596 defined in s. 366.02, shall be authorized by general permit
5597 provided the following provisions are implemented:

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5598 (i) This subsection also applies to transmission lines and
5599 appurtenances certified pursuant to part II of this chapter.
5600 However, the criteria of the general permit shall not otherwise
5601 affect the authority of the siting board to condition
5602 certification of transmission lines as authorized under part II
5603 of this chapter.

5604
5605 Maintenance of existing electric lines and clearing of vegetation
5606 in wetlands conducted without the placement of structures in
5607 wetlands or other dredge and fill activities does not require an
5608 individual or general construction permit. For the purpose of
5609 this subsection, wetlands shall mean the landward extent of
5610 waters of the state regulated under ss. 403.91-403.929 and
5611 isolated and nonisolated wetlands regulated under part IV of
5612 chapter 373. The provisions provided in this subsection apply to
5613 the permitting requirements of the department, any water
5614 management district, and any local government implementing part
5615 IV of chapter 373 or part VIII of this chapter.

5616 Section 88. Section 489.145, Florida Statutes, is amended
5617 to read:

5618 489.145 Guaranteed energy performance savings
5619 contracting.--

5620 (1) SHORT TITLE.--This section may be cited as the
5621 "Guaranteed Energy, Water, and Wastewater Performance Savings
5622 Contracting Act."

5623 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
5624 investment in energy, water, and wastewater conservation measures
5625 in agency facilities can reduce the amount of energy and water
5626 consumed and wastewater treated and produce immediate and long-

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5627 term savings. It is the policy of this state to encourage each
5628 agency agencies to invest in energy, water, and wastewater
5629 efficiency and conservation measures ~~that reduce energy~~
5630 ~~consumption, produce a cost savings for the agency, and improve~~
5631 ~~the quality of indoor air in public facilities and to operate,~~
5632 ~~maintain, and, when economically feasible, build or renovate~~
5633 ~~existing agency facilities in such a manner as to minimize energy~~
5634 and water consumption and wastewater production and maximize
5635 energy, water, and wastewater savings. It is further the policy
5636 of this state to encourage agencies to reinvest any energy
5637 savings resulting from energy, water, and wastewater efficiency
5638 and conservation measures in additional energy, water, and
5639 wastewater conservation measures ~~efforts~~.

5640 (3) DEFINITIONS.--As used in this section, the term:

5641 (a) "Agency" means the state, a municipality, or a
5642 political subdivision.

5643 (b) "Energy conservation measure" means a ~~training program,~~
5644 facility alteration, or equipment purchase to be used in new
5645 construction, including an addition to ~~an~~ existing facilities or
5646 infrastructure facility, which reduces energy, water, or
5647 wastewater or energy-related operating costs and includes, but is
5648 not limited to:

5649 1. Insulation of the facility structure and systems within
5650 the facility.

5651 2. Storm windows and doors, caulking or weatherstripping,
5652 multiglazed windows and doors, heat-absorbing, or heat-
5653 reflective, glazed and coated window and door systems, additional
5654 glazing, reductions in glass area, and other window and door
5655 system modifications that reduce energy consumption.

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- 5656 3. Automatic energy control systems.
- 5657 4. Heating, ventilating, or air-conditioning system
5658 modifications or replacements.
- 5659 5. Replacement or modifications of lighting fixtures to
5660 increase the energy efficiency of the lighting system, which, at
5661 a minimum, must conform to the applicable state or local building
5662 code.
- 5663 6. Energy recovery systems.
- 5664 7. Cogeneration systems that produce steam or forms of
5665 energy such as heat, as well as electricity, for use primarily
5666 within a facility or complex of facilities.
- 5667 8. Energy conservation measures that reduce Btu, kW, or kWh
5668 consumed or that provide long-term operating cost reductions ~~or~~
5669 ~~significantly reduce Btu consumed.~~
- 5670 9. Renewable energy systems, such as solar, biomass, or
5671 wind systems.
- 5672 10. Devices that reduce water consumption or sewer charges.
- 5673 11. Energy storage systems, such as fuel cells and thermal
5674 storage.
- 5675 12. Energy generating technologies, such as microturbines.
- 5676 13. Any other repair, replacement, or upgrade of existing
5677 equipment.
- 5678 (c) "Energy, water, and wastewater cost savings" means a
5679 measured reduction in the cost of fuel, energy, or water
5680 consumption or wastewater production, and stipulated operation
5681 and maintenance created from the implementation of one or more
5682 energy, water, or wastewater efficiency or conservation measures
5683 when compared with an established baseline for the previous cost
5684 of fuel, energy, or water consumption or wastewater production,

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5685 and stipulated operation and maintenance.

5686 (d) "Guaranteed energy, water, and wastewater performance
5687 savings contract" means a contract for the evaluation,
5688 recommendation, and implementation of energy, water, and
5689 wastewater efficiency or conservation measures, which, at a
5690 minimum, shall include:

5691 1. The design and installation of equipment to implement
5692 one or more of such measures and, if applicable, operation and
5693 maintenance of such measures.

5694 2. The amount of any actual annual savings that meet or
5695 exceed total annual contract payments made by the agency for the
5696 contract.

5697 3. The finance charges incurred by the agency over the life
5698 of the contract.

5699 (e) "Guaranteed energy performance savings contractor"
5700 means a person or business that is licensed under chapter 471,
5701 chapter 481, or this chapter, and is experienced in the analysis,
5702 design, implementation, or installation of energy conservation
5703 measures through energy performance contracts.

5704 (f) "Investment grade energy audit" means a detailed
5705 energy, water, and wastewater audit, along with an accompanying
5706 analysis of proposed energy, water, and wastewater conservation
5707 measures, and their costs, savings, and benefits prior to entry
5708 into an energy savings contract.

5709 (4) PROCEDURES.--

5710 (a) An agency may enter into a guaranteed ~~energy~~
5711 performance savings contract with a guaranteed ~~energy~~ performance
5712 savings contractor to ~~significantly~~ reduce energy, water, or
5713 wastewater consumption or production of energy-related operating

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5714 costs of an agency facility through one or more energy, water, or
5715 wastewater efficiency or conservation measures.

5716 (b) Before design and installation of energy conservation
5717 measures, the agency must obtain from a guaranteed energy
5718 performance savings contractor an investment grade audit ~~a~~ report
5719 that summarizes the costs associated with the energy conservation
5720 measures or energy-related operational cost-saving measures and
5721 provides an estimate of the amount of the ~~energy~~ cost savings.
5722 The agency and the guaranteed energy performance savings
5723 contractor may enter into a separate agreement to pay for costs
5724 associated with the preparation and delivery of the report;
5725 however, payment to the contractor shall be contingent upon the
5726 report's projection of energy or operational cost savings being
5727 equal to or greater than the total projected costs of the design
5728 and installation of the report's energy conservation measures.

5729 (c) The agency may enter into a guaranteed energy
5730 performance savings contract with a guaranteed energy performance
5731 savings contractor if the agency finds that the amount the agency
5732 would spend on the energy conservation or energy-related cost-
5733 savings measures will not likely exceed the amount of the energy
5734 or energy-related cost savings for up to 20 years from the date
5735 of installation, based on the life cycle cost calculations
5736 provided in s. 255.255, if the recommendations in the report were
5737 followed and if the qualified provider or providers give a
5738 written guarantee that the energy or energy-related cost savings
5739 will meet or exceed the costs of the system. However, actual
5740 computed cost savings must meet or exceed the estimated cost
5741 savings provided in program approval. Baseline adjustments used
5742 in calculations must be specified in the contract. The contract

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5743 may provide for installment payments for a period not to exceed
5744 20 years.

5745 (d) A guaranteed ~~energy~~ performance savings contractor must
5746 be selected in compliance with s. 287.055; except that if fewer
5747 than three firms are qualified to perform the required services,
5748 the requirement for agency selection of three firms, as provided
5749 in s. 287.055(4)(b), and the bid requirements of s. 287.057 do
5750 not apply.

5751 (e) Before entering into a guaranteed energy performance
5752 savings contract, an agency must provide published notice of the
5753 meeting in which it proposes to award the contract, the names of
5754 the parties to the proposed contract, and the contract's purpose.

5755 (f) A guaranteed ~~energy~~ performance savings contract may
5756 provide for financing, including tax-exempt financing, by a third
5757 party. The contract for third party financing may be separate
5758 from the guaranteed ~~energy~~ performance contract. A separate
5759 contract for third party financing must include a provision that
5760 the third party financier must not be granted rights or
5761 privileges that exceed the rights and privileges available to the
5762 guaranteed energy performance savings contractor.

5763 (g) Financing for guaranteed energy performance savings
5764 contracts may be provided under the authority of s. 287.064.

5765 (h) The office of the Chief Financial Officer shall review
5766 proposals from state agencies to ensure that the most effective
5767 financing is being used.

5768 (i) Annually, the agency that has entered into the contract
5769 shall provide the Department of Management Services and the Chief
5770 Financial Officer the measurement and verification report
5771 required by the contract to validate that energy savings have

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5772 occurred.

5773 (j)~~(g)~~ In determining the amount the agency will finance to
5774 acquire the ~~energy~~ conservation measures, the agency may reduce
5775 such amount by the application of any grant moneys, rebates, or
5776 capital funding available to the agency for the purpose of buying
5777 down the cost of the guaranteed ~~energy~~ performance savings
5778 contract. However, in calculating the life cycle cost as required
5779 in paragraph (c), the agency shall not apply any grants, rebates,
5780 or capital funding.

5781 (5) CONTRACT PROVISIONS.--

5782 (a) A guaranteed ~~energy~~ performance savings contract must
5783 include a written guarantee that may include, but is not limited
5784 to the form of, a letter of credit, insurance policy, or
5785 corporate guarantee by the guaranteed ~~energy~~ performance savings
5786 contractor that annual associated ~~energy~~ cost savings will meet
5787 or exceed the amortized cost of energy conservation measures.

5788 (b) The guaranteed ~~energy~~ performance savings contract must
5789 provide that all payments, except obligations on termination of
5790 the contract before its expiration, may be made over time, but
5791 not to exceed 20 years from the date of complete installation and
5792 acceptance by the agency, and that the annual savings are
5793 guaranteed to the extent necessary to make annual payments to
5794 satisfy the guaranteed ~~energy~~ performance savings contract.

5795 (c) The guaranteed ~~energy~~ performance savings contract must
5796 require that the guaranteed energy performance savings contractor
5797 to whom the contract is awarded provide a 100-percent public
5798 construction bond to the agency for its faithful performance, as
5799 required by s. 255.05.

5800 (d) The guaranteed ~~energy~~ performance savings contract may

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5801 contain a provision allocating to the parties to the contract any
5802 annual energy cost savings that exceed the amount of the energy
5803 cost savings guaranteed in the contract.

5804 (e) The guaranteed energy performance savings contract
5805 shall require the guaranteed ~~energy~~ performance savings
5806 contractor to provide to the agency an annual reconciliation of
5807 the guaranteed energy or energy-related cost savings. If the
5808 reconciliation reveals a shortfall in annual energy or energy-
5809 related cost savings, the guaranteed ~~energy~~ performance savings
5810 contractor is liable for such shortfall. If the reconciliation
5811 reveals an excess in annual ~~energy~~ cost savings, the excess
5812 savings may be allocated under paragraph (d) but may not be used
5813 to cover potential ~~energy~~ cost savings shortages in subsequent
5814 contract years.

5815 (f) The guaranteed ~~energy~~ performance savings contract must
5816 provide for payments of not less than one-twentieth of the price
5817 to be paid within 2 years from the date of the complete
5818 installation and acceptance by the agency using straight-line
5819 amortization for the term of the loan, and the remaining costs to
5820 be paid at least quarterly, not to exceed a 20-year term, based
5821 on life cycle cost calculations.

5822 (g) The guaranteed ~~energy~~ performance savings contract may
5823 extend beyond the fiscal year in which it becomes effective;
5824 however, the term of any contract expires at the end of each
5825 fiscal year and may be automatically renewed annually for up to
5826 20 years, subject to the agency making available sufficient
5827 annual funds ~~appropriations~~ based upon continued realized energy
5828 savings.

5829 (h) The guaranteed ~~energy~~ performance savings contract must

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5830 stipulate that it does not constitute a debt, liability, or
5831 obligation of the state.

5832 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
5833 Department of Management Services, with the assistance of the
5834 Office of the Chief Financial Officer, shall ~~may, within~~
5835 ~~available resources,~~ provide technical content assistance to
5836 state agencies contracting for energy conservation measures and
5837 engage in other activities considered appropriate by the
5838 department for promoting and facilitating guaranteed energy
5839 performance contracting by state agencies. The Department of
5840 Management Services shall review the investment-grade audit for
5841 each proposed project and certify that the cost savings are
5842 appropriate and sufficient for the term of the contract. The
5843 Office of the Chief Financial Officer, with the assistance of the
5844 Department of Management Services, shall develop model
5845 contractual and other related documents and shall, by rule ~~may,~~
5846 ~~within available resources,~~ develop the contract requirements
5847 ~~model contractual and related documents~~ for use by state and
5848 other agencies. Prior to entering into a guaranteed energy
5849 performance savings contract, any contract or lease for third-
5850 party financing, or any combination of such contracts, a state
5851 agency shall submit such proposed contract or lease to the Office
5852 of the Chief Financial Officer for review and approval. A
5853 proposed contract or lease shall include:

5854 (a) Supporting information required by s. 216.023(a)9. in
5855 ss. 287.063(5) and 287.064(11). For contracts approved under s.
5856 489.145, the criteria may, at a minimum, include the
5857 specification of a benchmark cost of capital and minimum real
5858 rate of return on energy, water, or wastewater savings against

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5859 which proposals shall be evaluated.

5860 (b) Documentation supporting recurring funds requirements
5861 in ss. 287.063(5) and 287.064(11).

5862 (c) Approval by the agency head or his or her designee.

5863 (d) An agency measurement and verification plan to monitor
5864 cost savings.

5865 (7) FUNDING SUPPORT.--For purposes of consolidated
5866 financing of deferred payment commodity contracts under this
5867 section by a state agency, any such contract must be supported
5868 from available recurring funds appropriated to the agency in an
5869 appropriation category, as defined in chapter 216, which the
5870 Legislature has designated for payment of the obligation incurred
5871 under this section, or which the Chief Financial Officer has
5872 determined is appropriate.

5873
5874 The office of the Chief Financial Officer may not approve any
5875 contract from any state agency submitted under this section which
5876 does not meet the requirements of this section.

5877 Section 89. Section 526.203, Florida Statutes, is created
5878 to read:

5879 526.203 Renewable fuel standard.--

5880 (1) DEFINITIONS.--As used in this ss. 526.203-526.206, the
5881 terms "blender," "exporter," "importer," "terminal supplier," and
5882 "wholesaler" shall be defined as provided in s. 206.01.

5883 (a) "Fuel ethanol-blended gasoline" means a mixture of 90
5884 percent gasoline and 10 percent fuel ethanol or similar alcohol.
5885 The 10 percent fuel ethanol, or similar alcohol, portion may be
5886 derived from any agricultural source.

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5887 (b) "Unblended gasoline" means gasoline that has not been
5888 blended with fuel ethanol.

5889 (2) FUEL STANDARD.--On and after December 31, 2010, all
5890 gasoline sold or offered for sale in Florida at retail shall
5891 contain, at a minimum 10 percent of a agriculturally derived,
5892 denatured ethanol fuel by volume. No terminal supplier, importer,
5893 exporter, blender, or wholesaler in this state shall sell or
5894 deliver fuel that which does not meet the blending requirements
5895 of ss. 526.203-526.206.

5896 (3) EXEMPTIONS.--The requirements of ss. 526.203-526.206 do
5897 not apply to the following:

5898 (a) Fuel used in aircraft;

5899 (b) Fuel sold at marinas and mooring docks for use in boats
5900 and similar watercraft;

5901 (c) Fuel sold at public or private racecourses intended to
5902 be used exclusively as a fuel for off-highway motor sports racing
5903 events;

5904 (d) Fuel sold for use in collector vehicles or vehicles
5905 eligible to be licensed as collector vehicles, off-road vehicles,
5906 motorcycles, or small engines.

5907 (e) Fuel unable to comply due to requirements of the United
5908 States Environmental Protection Agency;

5909 (f) Fuel bulk transferred between terminals;

5910 (g) Fuel exported from the state in accordance with s.
5911 206.052;

5912 (h) Fuel qualifying for any exemption in accordance with
5913 chapter 206;

5914 (i) Fuel at an electric power plant that is regulated by
5915 the United States Nuclear Regulatory Commission unless such

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5916 commission has approved the use of fuel meeting the requirements
5917 of subsection (2);

5918 (j) Fuel for a railroad locomotive; or

5919 (k) Fuel for equipment, including vehicle or vessel,
5920 covered by a warranty that would be voided, if explicitly stated
5921 in writing by the vehicle or vessel manufacturer, if it were to
5922 be operated using fuel meeting the requirements of subsection
5923 (2).

5924 (4) REPORT.--Pursuant to s. 206.43, each terminal supplier,
5925 importer, exporter, blender, and wholesaler shall include in its
5926 report to the Department of Revenue the number of gallons of
5927 gasoline fuel meeting and not meeting the requirements of ss.
5928 526.203-526.206 which is sold and delivered by the terminal
5929 supplier, importer, exporter, blender, or wholesaler in the
5930 state, and the destination as to the county in the state to which
5931 the gasoline was delivered for resale at retail or use.

5932 Section 90. Section 526.204, Florida Statutes, is created to
5933 read:

5934 526.204 Suspension during declared emergencies; waivers.--

5935 (1) In order to account for supply disruptions and ensure
5936 reliable supplies of motor fuels for Florida, the requirements of
5937 ss. 526.203-526.206 shall be suspended when the provisions of s.
5938 252.36(2) in any area of the state are in effect plus an
5939 additional 30 days.

5940 (2) If a terminal supplier, importer, exporter, blender, or
5941 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
5942 blended gasoline at the same or lower price than the price of
5943 unblended gasoline, the sale or delivery of unblended gasoline by
5944 the terminal supplier, importer, exporter, blender, or wholesaler

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5945 shall not be deemed a violation of ss. 526.203-526.206. The
5946 terminal supplier, importer, exporter, blender, or wholesaler
5947 shall, upon request, provide the required documentation regarding
5948 the sales transaction and price of fuel ethanol, fuel ethanol-
5949 blended gasoline, and unblended gasoline to the Department of
5950 Revenue.

5951 Section 91. Section 526.205, Florida Statutes, is created
5952 to read:

5953 526.205 Enforcement.--

5954 (1) It is unlawful to sell or distribute, or offer for sale
5955 or distribution, any gasoline that fails to meet the requirements
5956 of ss. 526.203-526.207.

5957 (2) Upon determining that a terminal supplier, importer,
5958 exporter, blender, or wholesaler is not meeting the requirements
5959 of s. 526.203(2), the Department of Revenue shall notify the
5960 department.

5961 (3) Upon notification by the Department of Revenue of a
5962 violation of ss. 526.203-526.206, the department shall, subject
5963 to subsection (1), grant an extension or enter an order imposing
5964 one or more of the following penalties:

5965 (a) Issuance of a warning letter.

5966 (b) Imposition of an administrative fine of not more than
5967 \$1,000 per violation for a first-time offender. For a second-time
5968 or repeat offender, or any person who is shown to have willfully
5969 and intentionally violated any provision of this chapter, the
5970 administrative fine shall not exceed \$5,000 per violation. When
5971 imposing any fine under this section, the department shall
5972 consider the amount of money the violator benefited from by

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5973 noncompliance, whether the violation was committed willfully, and
5974 the compliance record of the violator.

5975 (c) Revocation or suspension of any registration issued by
5976 the department.

5977 (4) Any terminal supplier, importer, exporter, blender, or
5978 wholesaler may apply to the department by September 30, 2010, for
5979 an extension of time to comply with the requirements of ss.
5980 526.203-526.206. The application for an extension must
5981 demonstrate that the applicant has made a good faith effort to
5982 comply with the requirements but has been unable to do so for
5983 reasons beyond the applicant's control, such as delays in
5984 receiving governmental permits. The department shall review each
5985 application and make a determination as to whether the failure to
5986 comply was beyond the control of the applicant. If the department
5987 determines that the applicant made a good faith effort to comply,
5988 but was unable to do so for reasons beyond the applicant's
5989 control, the department shall grant an extension of time
5990 determined necessary for the applicant to comply. If no extension
5991 is granted, the department shall proceed with enforcement
5992 pursuant to subsection (3).

5993 Section 92. Section 526.206, Florida Statutes, is created
5994 to read:

5995 526.206 Rules.--

5996 (1) The Department of Revenue is authorized to adopt rules
5997 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
5998 of ss. 526.203-526.206.

5999 (2) The Department of Agriculture and Consumer Services is
6000 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
6001 to implement the provisions of ss. 526.203-526.206.

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6002 Section 93. Studies and reports.--

6003 (1) The Florida Energy Commission shall conduct a study to
6004 evaluate and recommend the lifecycle greenhouse gas emissions
6005 associated with all renewable fuels, including, but not limited
6006 to, biodiesel, renewable diesel, biobutanol, ethanol derived from
6007 corn, ethanol derived from sugar, and cellulosic ethanol. In
6008 addition, the study shall evaluate and recommend a requirement
6009 that all renewable fuels introduced into commerce in the state,
6010 as a result of the renewable fuel standard, shall reduce the
6011 lifecycle greenhouse gas emissions by an average percentage. The
6012 study may also evaluate and recommend any benefits associated
6013 with the creation, banking, transfer, and sale of credits among
6014 fuel refiners, blenders, and importers.

6015 (2) The Florida Energy Commission shall submit a report
6016 containing specific recommendations to the President of the
6017 Senate and the Speaker of the House of Representatives no later
6018 than December 31, 2010.

6019 Section 94. Present subsection (5) of section 553.77,
6020 Florida Statutes, is renumbered as subsection (6), and a new
6021 subsection (5) is added to that section, to read:

6022 553.77 Specific powers of the commission.--

6023 (5) The commission may implement its recommendations
6024 delivered pursuant to subsection (2) of section 48 of chapter
6025 2007-73, Laws of Florida, by amending the Florida Energy
6026 Efficiency Code for Building Construction as provided in s.
6027 553.901.

6028 Section 95. Section 553.886, Florida Statutes, is created
6029 to read:

6030 553.886 Energy-efficiency technologies.--The provisions of

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6031 the Florida Building Code must facilitate and promote the use of
6032 cost-effective energy conservation, energy-demand management, and
6033 renewable energy technologies in buildings.

6034 Section 96. Section 553.901, Florida Statutes, is amended
6035 to read:

6036 553.901 Purpose of thermal efficiency code.--The Department
6037 of Community Affairs shall prepare a thermal efficiency code to
6038 provide for a statewide uniform standard for energy efficiency in
6039 the thermal design and operation of all buildings statewide,
6040 consistent with energy conservation goals, and to best provide
6041 for public safety, health, and general welfare. The Florida
6042 Building Commission shall adopt the Florida Energy Efficiency
6043 Code for Building Construction within the Florida Building Code,
6044 and shall modify, revise, update, and maintain the code to
6045 implement the provisions of this thermal efficiency code and
6046 amendments thereto, in accordance with the procedures of chapter
6047 120. The department shall, at least triennially, determine the
6048 most cost-effective energy-saving equipment and techniques
6049 available and report its determinations to the commission, which
6050 shall update the code to incorporate such equipment and
6051 techniques. The proposed changes shall be made available for
6052 public review and comment no later than 6 months prior to code
6053 implementation. Before adoption of any additional amendments to
6054 the Florida Energy Efficiency Code for Building Construction, the
6055 commission shall adopt by rule a definition of the term "cost-
6056 effective," for the purposes of this part, which shall include
6057 the criteria and measures to be used by the commission to
6058 evaluate proposed amendments ~~shall be construed to mean cost-~~
6059 ~~effective to the consumer.~~

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6060 Section 97. Section 553.9061, Florida Statutes, is created
6061 to read:

6062 553.9061 Scheduled increases in thermal efficiency
6063 standards.--

6064 (1) This section establishes a schedule of required
6065 increases in the energy-efficiency performance of buildings that
6066 are subject to the requirements for energy efficiency as
6067 contained in the current edition of the Florida Building Code.
6068 The Florida Building Commission shall implement the following
6069 energy-efficiency goals using the triennial code-adoption process
6070 established for updates to the Florida Building Code in s.
6071 553.73:

6072 (a) Include requirements in the 2010 edition of the Florida
6073 Building Code to increase the energy-efficiency performance of
6074 new buildings by at least 20 percent as compared to the
6075 performance achieved as a result of the implementation of the
6076 energy-efficiency provisions contained in the 2004 edition of the
6077 Florida Building Code, as amended on May 22, 2007;

6078 (b) Include requirements in the 2013 edition of the Florida
6079 Building Code to increase the energy-efficiency performance of
6080 new buildings by at least 30 percent as compared to the
6081 performance achieved as a result of the implementation of the
6082 energy-efficiency provisions contained in the 2004 edition of the
6083 Florida Building Code, as amended on May 22, 2007;

6084 (c) Include requirements in the 2016 edition of the Florida
6085 Building Code to increase the energy-efficiency performance of
6086 new buildings by at least 40 percent as compared to the
6087 performance achieved as a result of the implementation of the
6088 energy-efficiency provisions contained in the 2004 edition of the

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6089 Florida Building Code, as amended on May 22, 2007; and
6090 (d) Include requirements in the 2019 edition of the Florida
6091 Building Code to increase the energy-efficiency performance of
6092 new buildings by at least 50 percent as compared to the
6093 performance achieved as a result of the implementation of the
6094 energy-efficiency provisions contained in the 2004 edition of the
6095 Florida Building Code, as amended on May 22, 2007.

6096 (2) The commission shall identify in any code-support and
6097 compliance documentation the specific building options and
6098 elements available to meet the energy-efficiency performance
6099 requirements required under subsection (1). Energy-efficiency
6100 performance options and elements include, but are not limited to:

- 6101 (a) Solar water heating;
6102 (b) Energy-efficient appliances;
6103 (c) Energy-efficient windows, doors, and skylights;
6104 (d) Low solar-absorption roofs, also known as "cool roofs";
6105 (e) Enhanced ceiling and wall insulation;
6106 (f) Reduced-leak duct systems;
6107 (g) Programmable thermostats; and
6108 (h) Energy-efficient lighting systems.

6109 Section 98. (1) The Florida Building Commission shall
6110 conduct a study to evaluate the energy-efficiency rating of new
6111 buildings and appliances. The study must include a review of the
6112 current energy-efficiency ratings and consumer labeling
6113 requirements contained in chapter 553, Florida Statutes. The
6114 commission shall submit a written report of its study to the
6115 President of the Senate and the Speaker of the House of
6116 Representatives on or before February 1, 2009. The report must
6117 contain the commission's recommendations regarding the

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6118 strengthening and integration of energy-efficiency ratings and
6119 labeling requirements.

6120 (2) The provisions of this section expire July 1, 2009.

6121 Section 99. (1) The Florida Building Commission shall
6122 conduct a study to evaluate opportunities to restructure the
6123 Florida Energy Efficiency Code for Building Construction to
6124 achieve long-range improvements to building energy performance.
6125 During such study, the commission shall address the integration
6126 of the Thermal Efficiency Code established in part V of chapter
6127 553, Florida Statutes, the Energy Conservation Standards Act
6128 established in part VI of chapter 553, Florida Statutes, and the
6129 Florida Building Energy-Efficiency Rating Act established in part
6130 VIII of chapter 553, Florida Statutes.

6131 (2) The commission shall submit a report containing
6132 specific recommendations on the integration of the code and acts
6133 identified in subsection (1) to the President of the Senate and
6134 the Speaker of the House of Representatives on or before February
6135 1, 2009.

6136 (3) The provisions of this section expire July 1, 2009.

6137 Section 100. (1) The Department of Community Affairs, in
6138 conjunction with the Florida Energy Affordability Coalition,
6139 shall identify and review issues relating to the Low-Income Home
6140 Energy Assistance Program and the Weatherization Assistance
6141 Program, and identify recommendations that:

6142 (a) Support customer health, safety, and well-being;

6143 (b) Maximize available financial and energy-conservation
6144 assistance;

6145 (c) Improve the quality of service to customers seeking
6146 assistance; and

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6147 (d) Educate customers to make informed decisions regarding
6148 energy use and conservation.

6149 (2) On or before January 1, 2009, the department shall
6150 report its findings and any recommended statutory changes
6151 required to implement such findings to the President of the
6152 Senate and the Speaker of the House of Representatives.

6153 (3) The provisions of this section expire July 1, 2009.

6154 Section 101. Subsection (1) of section 553.957, Florida
6155 Statutes, is amended to read:

6156 553.957 Products covered by this part.--

6157 (1) The provisions of this part apply to the testing,
6158 certification, and enforcement of energy conservation standards
6159 for the following types of new commercial and residential
6160 products sold in the state:

6161 (a) Refrigerators, refrigerator-freezers, and freezers
6162 which can be operated by alternating current electricity,
6163 excluding:

- 6164 1. Any type designed to be used without doors; and
- 6165 2. Any type which does not include a compressor and
6166 condenser unit as an integral part of the cabinet assembly.

6167 (b) Lighting equipment.

6168 (c) Showerheads.

6169 (d) Electric water heaters used to heat potable water in
6170 homes or businesses.

6171 (e) Electric motors used to pump water within swimming
6172 pools.

6173 (f) Water heaters for swimming pools.

6174 (g) ~~(d)~~ Any other type of consumer product which the
6175 department classifies as a covered product as specified in this

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6176 part.

6177 Section 102. Section 553.975, Florida Statutes, is amended
6178 to read:

6179 553.975 Report to the Governor and Legislature.--The Public
6180 Service Commission shall submit a biennial report to the
6181 Governor, the President of the Senate, and the Speaker of the
6182 House of Representatives, concurrent with the report required by
6183 s. 366.82(5) ~~s. 366.82(4)~~, beginning in 1990. Such report shall
6184 include an evaluation of the effectiveness of these standards on
6185 energy conservation in this state.

6186 Section 103. The Public Service Commission shall analyze
6187 utility revenue decoupling and provide a report and
6188 recommendations to the Governor, the President of the Senate, and
6189 the Speaker of the House of Representatives by January 1, 2009.

6190 Section 104. Subsection (6) is added to section 718.113,
6191 Florida Statutes, to read:

6192 718.113 Maintenance; limitation upon improvement; display
6193 of flag; hurricane shutters.--

6194 (6) Notwithstanding the provisions of this section or the
6195 governing documents of a condominium or a multicondominium
6196 association, the board of administration may, without any
6197 requirement for approval of the unit owners, install upon or
6198 within the common elements or association property solar
6199 collectors, clotheslines, or other energy-efficient devices based
6200 on renewable resources for the benefit of the unit owners.

6201 Section 105. Section 1004.648, Florida Statutes, is created
6202 to read:

6203 1004.648 Florida Energy Systems Consortium.--

6204 (1) There is created the Florida Energy Systems Consortium

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6205 to promote collaboration between experts in the State University
6206 System for the purposes of sharing energy related expertise and
6207 assisting in the development and implementation of a
6208 comprehensive, long-term, environmentally compatible,
6209 sustainable, and efficient energy strategic plan for the state.

6210 (2) The consortium shall focus on the research and
6211 development of innovative energy systems that will lead to
6212 alternative energy strategies, improved energy efficiencies, and
6213 expanded economic development for the state.

6214 (3) The consortium shall consist of the University of
6215 Florida, Florida State University, the University of South
6216 Florida, the University of Central Florida, and Florida Atlantic
6217 University.

6218 (4) The consortium shall be administered at the University
6219 of Florida by a director whom shall be appointed by the oversight
6220 board.

6221 (5) The director shall report to the Florida Energy and
6222 Climate Commission created pursuant to s. 377.6015.

6223 (6) The oversight board shall consist of the vice president
6224 for research at each of the universities that are members of the
6225 consortium.

6226 (7) In addition to selecting the director the oversight
6227 board shall be responsible for the technical performance and
6228 financial management of the consortium.

6229 (8) In performing its responsibilities, the consortium
6230 shall collaborate with the oversight board and may also
6231 collaborate with industry and other affected parties.

6232 (9) Through collaborative research and development across
6233 the State University System and industry, the goal of the

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6234 consortium is to become a world leader in energy research,
6235 education, technology, and energy systems analysis. In so doing,
6236 the consortium shall:

6237 (a) Coordinate and initiate increased collaborative
6238 interdisciplinary energy research among the universities and the
6239 energy industry.

6240 (b) Assist in the creation and development of a Florida-
6241 based energy technology industry through efforts that would
6242 expedite commercialization of innovative energy technologies by
6243 taking advantage of the energy expertise within the State
6244 University System, high technology incubators, industrial parks,
6245 and industry-driven research centers.

6246 (c) Provide a state resource for objective energy systems
6247 analysis.

6248 (d) Develop education and outreach programs to prepare a
6249 qualified energy workforce and informed public. Specifically the
6250 faculty associated with the consortium shall coordinate a
6251 statewide workforce development initiative focusing on college-
6252 level degrees, technician training, and public and commercial
6253 sectors awareness. The consortium shall develop specific
6254 programs targeted at preparing graduates who have a background in
6255 energy, continuing education courses for technical and
6256 nontechnical professionals, and modules, laboratories, and
6257 courses to be shared among the universities. Additionally, the
6258 consortium shall work with the Florida Community College system
6259 using the Florida Advanced Technological Education Center for the
6260 coordination and design of industry-specific training programs
6261 for technicians.

6262 (10) The consortium shall solicit and leverage state,

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6263 federal, and private funds for the purpose of conducting
6264 education, research, and development in the area of sustainable
6265 energy.

6266 (11) The oversight board, in consultation with the Florida
6267 Energy and Climate Commission, shall ensure that the consortium:

6268 (a) Maintains accurate records of any funds received by the
6269 consortium.

6270 (b) Meets financial and technical performance expectations,
6271 which may include external technical reviews as required.

6272 (12) The oversight board and the Florida Energy and Climate
6273 Commission shall constitute the Steering Committee which shall be
6274 responsible for establishing and assuring the success of the
6275 consortium's mission as provided for in subsection (9).

6276 (13) By November 1 of each year, the consortium shall
6277 submit an annual report to the Governor, the President of the
6278 Senate, the Speaker of the House of Representatives and the
6279 Florida Energy and Climate Commission regarding its activities
6280 including, but not limited to, education, research, development,
6281 and deployment of alternative energy technologies.

6282 Section 106. State interest.--

6283 (1) As a condition for the issuance of grants or other
6284 monetary awards to private companies for energy-related research
6285 or deployment projects, the Department of Environmental
6286 Protection may require a negotiated or licensing agreement
6287 containing a stipulation requiring the return to the state of an
6288 agreed-upon amount or percentage of profit resulting from
6289 commercialization of the product or process.

6290 (2) The Department of Environmental Protection shall
6291 conduct a study to determine how negotiated or licensing

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6292 agreements may best be used in these situations in order for the
6293 state to earn a monetary return on energy-related products or
6294 processes that are ultimately prohibited upon commercialization.
6295 The department shall submit its study to the Governor, the
6296 President of the Senate, and the Speaker of the House of
6297 Representatives by February 1, 2009.

6298 Section 107. The Department of Environmental Protection, in
6299 conjunction with the Department of Agriculture and Consumer
6300 Services, shall conduct an economic impact analysis on the
6301 effects of granting financial incentives to energy producers who
6302 use woody biomass as fuel. It shall include an analysis of the
6303 effects on wood supply and prices and the impacts on current
6304 markets and on forest sustainability. The department shall submit
6305 the results of the study to the President of the Senate and the
6306 Speaker of the House of Representatives.

6307 Section 108. Recycling.--

6308 (1) The Legislature finds that the failure or inability to
6309 economically recover material and energy resources from solid
6310 waste results in the unnecessary waste and depletion of our
6311 natural resources. As Florida continues to grow, so will the
6312 potential amount of discarded material that must be treated and
6313 disposed of, necessitating the improvement of solid waste
6314 collection and disposal. Therefore, the maximum recycling and
6315 reuse of such resources are considered high-priority goals of
6316 this state.

6317 (2) By the year 2020, the long-term goal for the recycling
6318 efforts of state and local governmental entities, private
6319 companies and organizations, and the general public is to reduce
6320 the amount of recyclable solid waste disposed of in waste

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6321 management facilities, landfills, or incineration facilities by a
6322 statewide average of at least 75 percent.

6323 (3) The Department of Environmental Preservation shall
6324 develop a comprehensive recycling program that is designed to
6325 achieve the percentage stated in subsection (2) and submit the
6326 program to the President of the Senate and the Speaker of the
6327 House of Representatives by January 1, 2010. The program may not
6328 be implemented until approved by the Legislature. The program
6329 must be developed in coordination with input from state and local
6330 entities, private businesses, and the public. Under the program,
6331 recyclable materials shall include, but are not limited to,
6332 metals, paper, glass, plastic, textile, rubber materials, and
6333 mulch. Components of the program shall include, but are not
6334 limited to:

6335 (a) Programs to identify environmentally preferable
6336 purchasing practices to encourage the purchase of recycled,
6337 durable, and less toxic goods;

6338 (b) Programs to educate students in grades K-12 in the
6339 benefits of, and proper techniques for, recycling;

6340 (c) Programs for statewide recognition of successful
6341 recycling efforts by schools, businesses, public groups, and
6342 private citizens;

6343 (d) Programs for municipalities and counties to develop and
6344 implement efficient recycling efforts to return valuable
6345 materials to productive use, conserve energy, and protect natural
6346 resources;

6347 (e) Programs by which the department can provide technical
6348 assistance to municipalities and counties in support of their
6349 recycling efforts;

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6350 (f) Programs to educate and train the public in proper
6351 recycling efforts;

6352 (g) Evaluation of how financial assistance can best be
6353 provided to municipalities and counties in support of their
6354 recycling efforts; and

6355 (h) Evaluation of why existing waste management and
6356 recycling programs in the state have not been better used.

6357 Section 109. The Department of Environmental Protection,
6358 when submitting proposed rules adopted pursuant to s. 403.44,
6359 Florida Statutes, the Climate Protection Act, for ratification by
6360 the Legislature, shall submit a summary report to the Governor,
6361 the President of the Senate, and the Speaker of the House of
6362 Representatives. The report must describe the costs and benefits
6363 of a cap-and-trade system and must include, but need not be
6364 limited to:

6365 (1) The impact of a cap-and-trade system on electricity
6366 prices charged to consumers.

6367 (2) The overall cost of a cap-and-trade system to the
6368 economy of this state.

6369 (3) The effect of a cap-and-trade system on low-income
6370 consumers if the system results in an increase of energy prices
6371 on low-income consumers.

6372 Section 110. Except as otherwise expressly provided in this
6373 act, this act shall take effect July 1, 2008.