

By Senator Bennett

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1                   A bill to be entitled  
2           An act relating to energy; amending s. 196.175, F.S.;  
3           revising provisions of the property tax exemption provided  
4           for renewable energy sources; excluding the assessed value  
5           of certain real property for determination of such  
6           exemption; amending s. 212.08, F.S.; redefining the term  
7           "ethanol" for purposes of a sales tax exemption;  
8           specifying eligible items as limited to one refund;  
9           requiring a purchaser who receives a refund to notify a  
10          subsequent purchaser of such refund; requiring the Florida  
11          Alternative Energy Center rather than the Department of  
12          Environmental Protection to certify eligibility for the  
13          sales tax exemption for equipment, technology, and other  
14          materials for renewable energy; amending s. 213.053, F.S.;  
15          providing for the Department of Revenue to provide  
16          information to the Florida Alternative Energy Center  
17          rather than the Department of Environmental Protection for  
18          purposes of administering the sales tax exemption and the  
19          corporate income tax credit; amending s. 220.192, F.S.,  
20          relating to the renewable energy technologies investment  
21          tax credit; providing a definition; providing for the  
22          transferability of such tax credit; providing requirements  
23          and procedures therefor; providing rulemaking requirements  
24          and authority; amending s. 220.193, F.S.; providing a  
25          definition; providing that a taxpayer's use of certain  
26          credits does not prohibit the use of other authorized  
27          credits; amending s. 255.251, F.S.; revising a short  
28          title; amending s. 255.252, F.S.; revising criteria for  
29          energy conservation and sustainability for state-owned

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30 buildings; requiring buildings constructed and financed by  
31 the state to meet certain environmental standards approved  
32 by the Department of Management Services; requiring state  
33 agencies to identify state-owned buildings that are  
34 suitable for guaranteed energy performance savings  
35 contracts; providing requirements and procedures therefor;  
36 requiring the Department of Management Services to  
37 evaluate identified facilities and develop an energy  
38 efficiency project schedule; providing criteria for such  
39 schedule; amending s. 255.253, F.S.; providing  
40 definitions; amending s. 255.254, F.S.; requiring certain  
41 state-owned buildings to meet sustainable building  
42 ratings; amending s. 255.255, F.S.; requiring the  
43 department to adopt rules and procedures for energy  
44 conservation performance guidelines based on sustainable  
45 building ratings; amending s. 287.063, F.S.; prohibiting  
46 the term of payment for consolidated equipment finance  
47 contracts from extending beyond the anticipated useful  
48 life of the equipment financed; deleting the requirement  
49 that the Chief Financial Officer establish criteria that  
50 prohibits a state agency from obligating an annualized  
51 amount of payments for certain deferred payment purchases;  
52 amending s. 287.064, F.S.; extending the period of time  
53 allowed for the repayment of funds for certain purchases  
54 relating to energy conservation measures; requiring  
55 guaranteed energy performance savings contractors to  
56 provide for the replacement or the extension of the useful  
57 life of the equipment during the term of a contract;  
58 amending s. 366.04, F.S.; authorizing the Public Service

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59 Commission to review and approve an asset transfer or a  
60 merger or combination between a public utility and another  
61 entity; authorizing the commission to adopt rules;  
62 creating s. 366.915, F.S.; creating the Florida Advanced  
63 Energy Portfolio Standard Act; providing legislative  
64 findings; providing definitions; requiring public  
65 utilities to sell a minimum amount of renewable energy;  
66 authorizing the Public Service Commission to adopt rules;  
67 amending s. 366.91, F.S.; redefining the term "renewable  
68 energy"; creating s. 366.925, F.S.; providing a short  
69 title; directing the Public Service Commission to develop  
70 rules requiring all public utilities to develop net-  
71 metering programs; providing for a customer to receive  
72 credit for electricity generated by renewable energy  
73 systems owned by the customer; directing the commission to  
74 adopt rules setting the standards that renewable energy  
75 systems must meet in order for customers to qualify for  
76 the program; requiring every wholesaler of diesel fuel to  
77 a marina within the state to offer biodiesel for sale;  
78 amending s. 377.703, F.S.; deleting provisions requiring  
79 that the Department of Environmental Protection conduct  
80 energy research and development, plan for the development  
81 of renewable energy resources, promote the development and  
82 use of renewable energy resources, and create a database  
83 of all energy programs in the state; repealing s.  
84 377.803(2), F.S.; eliminating a definition; amending s.  
85 377.806, F.S.; revising rebate eligibility and application  
86 requirements for solar photovoltaic systems; requiring  
87 applicants to apply for rebate reservations and rebate

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88 | payments; providing a limitation; revising rulemaking  
89 | authority; creating s. 403.0874, F.S.; providing a  
90 | definition; directing the Department of Environmental  
91 | Protection to develop greenhouse gas inventories;  
92 | providing requirements for such inventories; authorizing  
93 | the department to require emission reports; requiring the  
94 | department to adopt rules; amending s. 489.145, F.S.;  
95 | revising provisions relating to guaranteed energy  
96 | performance savings contracting to include energy  
97 | consumption and energy-related operational savings;  
98 | revising provisions for the financing of guaranteed energy  
99 | performance savings contracts; revising criteria for  
100 | proposed contracts; revising provisions governing program  
101 | administration and contract review; requiring that  
102 | consolidated financing of deferred payment commodity  
103 | contracts be secured by certain funds; requiring the Chief  
104 | Financial Officer to review proposed guaranteed energy  
105 | performance savings contracts; creating s. 570.958, F.S.;  
106 | establishing the Biofuel Retail Sales Incentive Program;  
107 | establishing goals for replacing petroleum consumption;  
108 | providing definitions; providing incentive payments to  
109 | qualified retail dealers for increases in the amount of  
110 | biofuels offered for sale; providing requirements and  
111 | procedures therefor; creating s. 570.959, F.S.;  
112 | establishing the Florida Biofuel Production Incentive  
113 | Program; providing definitions; providing incentive  
114 | payments to producers of certain biofuels; providing  
115 | requirements and procedures therefor; authorizing the  
116 | Department of Agriculture and Consumer Services to adopt

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117 rules; directing the Florida Building Commission to  
118 convene a workgroup to develop a model residential energy  
119 efficiency ordinance; requiring the commission to consult  
120 with specified entities to review the cost-effectiveness  
121 of energy efficiency measures in the construction of  
122 residential, commercial, and government buildings;  
123 requiring the commission to consult with specified  
124 entities to develop and implement a public awareness  
125 campaign; requiring the commission to provide reports to  
126 the Legislature; requiring all county, municipal, and  
127 public community college buildings to meet certain energy  
128 efficiency standards for construction; providing  
129 applicability; establishing standards for diesel fuel  
130 purchases for use by state-owned diesel vehicles and  
131 equipment to include biodiesel fuel purchase requirements;  
132 establishing standards for fuel purchases for use by  
133 state-owned flex-fuel vehicles to include ethanol purchase  
134 requirements; establishing standards for the use of  
135 biodiesel fuels by school district transportation  
136 services; providing effective dates.

137  
138 Be It Enacted by the Legislature of the State of Florida:

139  
140 Section 1. Section 196.175, Florida Statutes, is amended to  
141 read:

142 196.175 Renewable energy source exemption.--

143 (1) Improved real property upon which a renewable energy  
144 source device is installed and operated shall be entitled to an  
145 exemption in the amount of ~~not greater than the lesser of:~~

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146       ~~(a) The assessed value of such real property less any other~~  
147 ~~exemptions applicable under this chapter;~~

148       ~~(b)~~ the original cost of the device, including the  
149 installation cost thereof, but excluding the cost of replacing  
150 previously existing property removed or improved in the course of  
151 such installation; ~~or~~

152       ~~(c) Eight percent of the assessed value of such property~~  
153 ~~immediately following installation.~~

154       (2) The exempt amount authorized under subsection (1) shall  
155 apply in full if the device was installed and operative  
156 throughout the 12-month period preceding January 1 of the year of  
157 application for this exemption. If the device was operative for a  
158 portion of that period, the exempt amount authorized under this  
159 section shall be reduced proportionally.

160       (3) It shall be the responsibility of the applicant for an  
161 exemption pursuant to this section to demonstrate affirmatively  
162 to the satisfaction of the property appraiser that he or she  
163 meets the requirements for exemption under this section and that  
164 the original cost ~~pursuant to paragraph (1)(b)~~ and the period for  
165 which the device was operative, as indicated on the exemption  
166 application, are correct.

167       (4) No exemption authorized pursuant to this section shall  
168 be granted for a period of more than 10 years. No exemption shall  
169 be granted with respect to renewable energy source devices  
170 installed before July 1, 2009 ~~January 1, 1980, or after December~~  
171 ~~31, 1990.~~

172       Section 2. Paragraph (ccc) of subsection (7) of section  
173 212.08, Florida Statutes, is amended to read:

174       212.08 Sales, rental, use, consumption, distribution, and

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

179 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any  
180 entity by this chapter do not inure to any transaction that is  
181 otherwise taxable under this chapter when payment is made by a  
182 representative or employee of the entity by any means, including,  
183 but not limited to, cash, check, or credit card, even when that  
184 representative or employee is subsequently reimbursed by the  
185 entity. In addition, exemptions provided to any entity by this  
186 subsection do not inure to any transaction that is otherwise  
187 taxable under this chapter unless the entity has obtained a sales  
188 tax exemption certificate from the department or the entity  
189 obtains or provides other documentation as required by the  
190 department. Eligible purchases or leases made with such a  
191 certificate must be in strict compliance with this subsection and  
192 departmental rules, and any person who makes an exempt purchase  
193 with a certificate that is not in strict compliance with this  
194 subsection and the rules is liable for and shall pay the tax. The  
195 department may adopt rules to administer this subsection.

196 (ccc) Equipment, machinery, and other materials for  
197 renewable energy technologies.--

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

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

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

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

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

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

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

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

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

230 3. The Florida Alternative Energy Center ~~Department of~~  
231 ~~Environmental Protection~~ shall provide to the department a list  
232 of items eligible for the exemption provided in this paragraph.



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233       4. The exemption provided in this paragraph is available  
234 only to the end user of the equipment, machinery, or other  
235 materials.

236       5.4.a. The exemption provided in this paragraph shall be  
237 available to a purchaser only through a refund of previously paid  
238 taxes. Only one purchase of an eligible item is subject to  
239 refund. A purchaser who has received a refund on an eligible item  
240 must notify any subsequent purchaser of the item that the item is  
241 no longer eligible for a refund of tax paid. This notification  
242 must be provided to the purchaser on the sales invoice or other  
243 proof of purchase.

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

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

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

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

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

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

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262 Florida Alternative Energy Center ~~Department of Environmental~~  
263 ~~Protection~~ shall review the application and shall notify the  
264 applicant of any deficiencies. Upon receipt of a completed  
265 application, the Florida Alternative Energy Center ~~Department of~~  
266 ~~Environmental Protection~~ shall evaluate the application for  
267 exemption and issue a written certification that the applicant is  
268 eligible for a refund or issue a written denial of such  
269 certification within 60 days after receipt of the application.  
270 The Florida Alternative Energy Center ~~Department of Environmental~~  
271 ~~Protection~~ shall provide the department with a copy of each  
272 certification issued upon approval of an application.

273 d. Each certified applicant shall be responsible for  
274 forwarding a certified copy of the application and copies of all  
275 required documentation to the department within 6 months after  
276 certification by the Florida Alternative Energy Center ~~Department~~  
277 ~~of Environmental Protection~~.

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

282 f. The department may adopt all rules pursuant to ss.  
283 120.536(1) and 120.54 to administer this paragraph, including  
284 rules establishing forms and procedures for claiming this  
285 exemption.

286 g. The Florida Alternative Energy Center ~~Department of~~  
287 ~~Environmental Protection~~ shall be responsible for ensuring that  
288 the total amounts of the exemptions authorized do not exceed the  
289 limits as specified in subparagraph 2.

290 5. The Florida Alternative Energy Center ~~Department of~~

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291 | ~~Environmental Protection~~ shall determine and publish on a regular  
292 | basis the amount of sales tax funds remaining in each fiscal  
293 | year.

294 |         6. This paragraph expires July 1, 2010.

295 |         Section 3. Effective July 1, 2008, paragraph (y) of  
296 | subsection (8) of section 213.053, Florida Statutes, is amended  
297 | to read:

298 |             213.053 Confidentiality and information sharing.--

299 |             (8) Notwithstanding any other provision of this section,  
300 | the department may provide:

301 |             (y) Information relative to ss. 212.08(7)(ccc) and 220.192  
302 | to the Florida Alternative Energy Center ~~Department of~~  
303 | ~~Environmental Protection~~ for use in the conduct of its official  
304 | business.

305 |  
306 | Disclosure of information under this subsection shall be pursuant  
307 | to a written agreement between the executive director and the  
308 | agency. Such agencies, governmental or nongovernmental, shall be  
309 | bound by the same requirements of confidentiality as the  
310 | Department of Revenue. Breach of confidentiality is a  
311 | misdemeanor of the first degree, punishable as provided by s.  
312 | 775.082 or s. 775.083.

313 |         Section 4. Subsection (1) of section 220.192, Florida  
314 | Statutes, is amended, present subsection (6) of that section is  
315 | renumbered as subsection (7) and amended, present subsection (7)  
316 | of that section is renumbered as subsection (8), and a new  
317 | subsection (6) is added to that section, to read:

318 |             220.192 Renewable energy technologies investment tax  
319 | credit.--

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

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

322 212.08(7)(ccc).

323 (b) "Corporation" means a general partnership, limited  
324 partnership, limited liability company, unincorporated business,  
325 or other business entity in which a taxpayer owns an interest and  
326 which is taxed as a partnership or is disregarded as a separate  
327 entity from the taxpayer for tax purposes.

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

329 1. Seventy-five percent of all capital costs, operation and  
330 maintenance costs, and research and development costs incurred  
331 between July 1, 2006, and June 30, 2010, up to a limit of \$3  
332 million per state fiscal year for all taxpayers, in connection  
333 with an investment in hydrogen-powered vehicles and hydrogen  
334 vehicle fueling stations in the state, including, but not limited  
335 to, the costs of constructing, installing, and equipping such  
336 technologies in the state.

337 2. Seventy-five percent of all capital costs, operation and  
338 maintenance costs, and research and development costs incurred  
339 between July 1, 2006, and June 30, 2010, up to a limit of \$1.5  
340 million per state fiscal year for all taxpayers, and limited to a  
341 maximum of \$12,000 per fuel cell, in connection with an  
342 investment in commercial stationary hydrogen fuel cells in the  
343 state, including, but not limited to, the costs of constructing,  
344 installing, and equipping such technologies in the state.

345 3. Seventy-five percent of all capital costs, operation and  
346 maintenance costs, and research and development costs incurred  
347 between July 1, 2006, and June 30, 2010, up to a limit of \$6.5  
348 million per state fiscal year for all taxpayers, in connection

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349 | with an investment in the production, storage, and distribution  
350 | of biodiesel (B10-B100) and ethanol (E10-E100) in the state,  
351 | including the costs of constructing, installing, and equipping  
352 | such technologies in the state. Gasoline fueling station pump  
353 | retrofits for ethanol (E10-E100) distribution qualify as an  
354 | eligible cost under this subparagraph.

355 |       ~~(d)~~ (e) "Ethanol" means ethanol as defined in s.  
356 | 212.08(7)(ccc).

357 |       ~~(e)~~ (d) "Hydrogen fuel cell" means hydrogen fuel cell as  
358 | defined in s. 212.08(7)(ccc).

359 |       (6) TRANSFERABILITY OF CREDIT.--

360 |       (a) Any corporation and any subsequent transferee allowed  
361 | the tax credit may transfer the tax credit, in whole or in part,  
362 | to any taxpayer by written agreement, without the requirement of  
363 | transferring any ownership interest in the property generating  
364 | the tax credit or any interest in the entity that owns the  
365 | property. Transferees are entitled to apply the credits against  
366 | the tax with the same effect as if the transferee had incurred  
367 | the eligible costs.

368 |       (b) To perfect the transfer, the transferor shall provide a  
369 | written transfer statement providing notice to the Department of  
370 | Revenue of the assignor's intent to transfer the tax credits to  
371 | the assignee; the date the transfer is effective; the assignee's  
372 | name, address, federal taxpayer identification number and tax  
373 | period; and the amount of tax credits to be transferred. The  
374 | Department of Revenue shall issue, upon receipt of a transfer  
375 | statement conforming to the requirements of this section, a  
376 | certificate to the assignee reflecting the tax credit amounts  
377 | transferred, a copy of which shall be attached to each tax return

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378 | by an assignee in which such tax credits are used.

379 |       (c) Tax credits derived by such entities treated as  
380 | corporations under this section which are not transferred by such  
381 | entities to other taxpayers under this subsection shall be passed  
382 | through to the taxpayers designated as partners, members, or  
383 | owners, respectively, in any manner agreed to by such persons,  
384 | whether or not such persons are allocated or allowed any portion  
385 | of the federal energy tax credit with respect to the eligible  
386 | costs.

387 |       (7)~~(6)~~ RULES.--The Department of Revenue shall have the  
388 | authority to adopt rules relating to:

389 |       (a) The forms required to claim a tax credit under this  
390 | section, the requirements and basis for establishing an  
391 | entitlement to a credit, and the examination and audit procedures  
392 | required to administer this section.

393 |       (b) The implementation and administration of the provisions  
394 | allowing a transfer of tax credits, including rules prescribing  
395 | forms, reporting requirements, and the specific procedures,  
396 | guidelines, and requirements necessary for a tax credit to be  
397 | transferred.

398 |       (c) The implementation and administration of the provisions  
399 | allowing a pass through of tax credits, including rules  
400 | prescribing forms, reporting requirements, and the specific  
401 | procedures, guidelines, and requirements necessary for a tax  
402 | credit to be passed through to an owner, member, or partner.

403 |       (8)~~(7)~~ PUBLICATION.--The Department of Environmental  
404 | Protection shall determine and publish on a regular basis the  
405 | amount of available tax credits remaining in each fiscal year.

406 |       Section 5. Paragraph (f) is added to subsection (2) and

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407 paragraph (j) is added to subsection (3) of section 220.193,  
408 Florida Statutes, to read:

409 220.193 Florida renewable energy production credit.--

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

411 (f) "Sale" or "sold" includes the use of the electricity by  
412 the producer of the electricity when such use decreases the  
413 amount of electricity that would otherwise be purchased by the  
414 producer thereof.

415 (3) An annual credit against the tax imposed by this  
416 section shall be allowed to a taxpayer, based on the taxpayer's  
417 production and sale of electricity from a new or expanded Florida  
418 renewable energy facility. For a new facility, the credit shall  
419 be based on the taxpayer's sale of the facility's entire  
420 electrical production. For an expanded facility, the credit shall  
421 be based on the increases in the facility's electrical production  
422 that are achieved after May 1, 2006.

423 (j) A taxpayer's use of the credit granted under this  
424 section does not reduce the amount of any credit authorized by s.  
425 220.186 which would otherwise be available to that taxpayer.

426 Section 6. Section 255.251, Florida Statutes, is amended to  
427 read:

428 255.251 Energy Conservation and Sustainable ~~in~~ Buildings  
429 Act; short title.--This act may ~~shall~~ be cited as the "Florida  
430 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

431 Section 7. Section 255.252, Florida Statutes, is amended to  
432 read:

433 255.252 Findings and intent.--

434 (1) Operating and maintenance expenditures associated with  
435 energy equipment and with energy consumed in state-financed and

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436 leased buildings represent a significant cost over the life of a  
437 building. Energy conserved by appropriate building design not  
438 only reduces the demand for energy but also reduces costs for  
439 building operation. ~~For example, commercial buildings are~~  
440 ~~estimated to use from 20 to 80 percent more energy than would be~~  
441 ~~required if energy-conserving designs were used.~~ The size,  
442 design, orientation, and operability of windows, the ratio of  
443 ventilating air to air heated or cooled, the level of lighting  
444 consonant with space-use requirements, the handling of occupancy  
445 loads, and the ability to zone off areas not requiring equivalent  
446 levels of heating or cooling are but a few of the considerations  
447 necessary to conserving energy.

448 (2) Significant efforts are needed to build energy-  
449 efficient state-owned buildings that meet environmental standards  
450 ~~underway by the General Services Administration, the National~~  
451 ~~Institute of Standards and Technology, and others to detail the~~  
452 ~~considerations and practices for energy conservation in~~  
453 ~~buildings.~~ Most important is that energy-efficient designs  
454 provide energy savings over the life of the building structure.  
455 ~~Conversely, energy-inefficient designs cause excess and wasteful~~  
456 ~~energy use and high costs over that life.~~ With buildings lasting  
457 many decades and with energy costs escalating rapidly, it is  
458 essential that the costs of operation and maintenance for energy-  
459 using equipment and sustainable materials be included in all  
460 design proposals for state-owned ~~state~~ buildings.

461 (3) In order that such energy-efficiency and sustainable  
462 materials considerations become a function of building design,  
463 and also a model for future application in the private sector, it  
464 shall be the policy of the state that buildings constructed and



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465 | financed by the state be designed and constructed to meet the  
466 | United States Green Building Council (USGBC) Leadership in Energy  
467 | and Environmental Design (LEED) rating system, Green Building  
468 | Initiative's Green Globes rating system, or a nationally  
469 | recognized, high-performance green building rating system as  
470 | approved by the department ~~in a manner which will minimize the~~  
471 | ~~consumption of energy used in the operation and maintenance of~~  
472 | ~~such buildings.~~ It is further the policy of the state, when  
473 | economically feasible, to retrofit existing state-owned buildings  
474 | in a manner that ~~which~~ will minimize the consumption of energy  
475 | used in the operation and maintenance of such buildings.

476 | (4) In addition to designing and constructing new buildings  
477 | to be energy efficient ~~energy-efficient~~, it shall be the policy  
478 | of the state to operate, maintain, and renovate existing state-  
479 | owned state facilities, or provide for their renovation, in a  
480 | manner that ~~which~~ will minimize energy consumption and maximize  
481 | their sustainability as well as ensure that facilities leased by  
482 | the state are operated so as to minimize energy use. Agencies are  
483 | encouraged to consider shared savings financing of such energy  
484 | projects, using contracts that ~~which~~ split the resulting savings  
485 | for a specified period of time between the agency and the private  
486 | firm or cogeneration contracts which otherwise permit the state  
487 | to lower its energy costs. Such energy contracts may be funded  
488 | from the operating budget.

489 | (5) Each state agency must identify and compile a list of  
490 | all state-owned buildings within its inventory which it  
491 | determines are suitable for a guaranteed energy performance  
492 | savings contract under s. 489.145. The list shall be submitted to  
493 | the Department of Management Services by December 31, 2008, and

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494 must include any criteria used to determine suitability. The list  
495 of suitable buildings shall be developed from the list of state-  
496 owned facilities of more than 5,000 square feet in area and for  
497 which the agency is responsible for paying the expenses of  
498 utilities and other operating expenses as they relate to energy  
499 use. In consultation with each department secretary or director,  
500 by March 1, 2009, the Department of Management Services shall  
501 evaluate each agency's facilities that are suitable for energy  
502 conservation projects and shall develop an energy efficiency  
503 project schedule based on factors such as project magnitude,  
504 efficiency and effectiveness of energy conservation measures to  
505 be implemented, and other factors that may prove to be  
506 advantageous to pursue. The schedule must provide the deadline  
507 for guaranteed energy performance savings contract improvements  
508 to be made to the state-owned buildings.

509 Section 8. Subsections (6) and (7) are added to section  
510 255.253, Florida Statutes, to read:

511 255.253 Definitions; ss. 255.251-255.258.--

512 (6) "Sustainable building" means a building that is healthy  
513 and comfortable for its occupants and is economical to operate  
514 while conserving resources, including energy, water, raw  
515 materials, and land, and minimizing the generation of toxic  
516 materials and waste in its design, construction, landscaping, and  
517 operation.

518 (7) "Sustainable building rating" means a rating  
519 established by the United States Green Building Council (USGBC)  
520 Leadership in Energy and Environmental Design (LEED) rating  
521 system, Green Building Initiative's Green Globes rating system,  
522 or a nationally recognized, high-performance green building

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523 rating system as approved by the department.

524 Section 9. Section 255.254, Florida Statutes, is amended to  
525 read:

526 255.254 No facility constructed ~~or leased~~ without life-  
527 cycle costs.--

528 (1) A ~~No~~ state agency may not ~~shall lease,~~ construct, or  
529 have constructed, within limits prescribed herein, a facility  
530 without having secured from the department an a proper evaluation  
531 of life-cycle costs based on sustainable building ratings, ~~as~~  
532 ~~computed by an architect or engineer.~~ Furthermore, construction  
533 shall proceed only upon disclosing, for the facility chosen, the  
534 life-cycle costs as determined in s. 255.255, its sustainable  
535 building rating goal, and the capitalization of the initial  
536 construction costs of the building. The life-cycle costs shall be  
537 a primary consideration in the selection of a building design in  
538 addition to its sustainable building rating goal. ~~Such analysis~~  
539 ~~shall be required only for construction of buildings with an area~~  
540 ~~of 5,000 square feet or greater.~~ For leased buildings 5,000  
541 square feet or greater ~~areas of 20,000 square feet or greater~~  
542 within a given building boundary, an energy performance analysis  
543 ~~a life-cycle analysis~~ shall be performed, and a lease shall ~~only~~  
544 be made only where there is a showing that the energy life-cycle  
545 costs incurred by the state are minimal compared to available  
546 like facilities.

547 (2) On and after January 1, 1979, no state agency shall  
548 initiate construction or have construction initiated, prior to  
549 approval thereof by the department, on a facility or self-  
550 contained unit of any facility, the design and construction of  
551 which incorporates or contemplates the use of an energy system

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552 | other than a solar energy system when the life-cycle costs  
553 | analysis prepared by the department has determined that a solar  
554 | energy system is the most cost-efficient energy system for the  
555 | facility or unit.

556 |       (3) After September 30, 1985, when any state agency must  
557 | replace or supplement major items of energy-consuming equipment  
558 | in existing state-owned ~~or leased~~ facilities or any self-  
559 | contained unit of any facility with other major items of energy-  
560 | consuming equipment, the selection of such items shall be made on  
561 | the basis of a life-cycle cost analysis of alternatives in  
562 | accordance with rules promulgated by the department under s.  
563 | 255.255.

564 |       Section 10. Subsection (1) of section 255.255, Florida  
565 | Statutes, is amended to read:

566 |       255.255 Life-cycle costs.--

567 |       (1) The department shall adopt ~~promulgate~~ rules and  
568 | procedures, including energy conservation performance guidelines  
569 | based on sustainable building ratings, for conducting a life-  
570 | cycle cost analysis of alternative architectural and engineering  
571 | designs and alternative major items of energy-consuming equipment  
572 | to be retrofitted in existing state-owned or leased facilities  
573 | and for developing energy performance indices to evaluate the  
574 | efficiency of energy utilization for competing designs in the  
575 | construction of state-financed and leased facilities.

576 |       Section 11. Paragraph (b) of subsection (2) and subsection  
577 | (5) of section 287.063, Florida Statutes, are amended to read:

578 |       287.063 Deferred-payment commodity contracts; preaudit  
579 | review.--

580 |       (2)

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

585 1. A ~~No~~ contract may not ~~shall~~ be approved in which  
586 interest exceeds the statutory ceiling contained in this section.  
587 However, the interest component of any master equipment financing  
588 agreement entered into for the purpose of consolidated financing  
589 of a deferred-payment, installment sale, or lease-purchase shall  
590 be deemed to comply with the interest rate limitation of this  
591 section so long as the interest component of every interagency  
592 agreement under such master equipment financing agreement  
593 complies with the interest rate limitation of this section.

594 2. A ~~No~~ deferred-payment purchase for less than \$30,000 may  
595 not ~~shall~~ be approved, unless it can be satisfactorily  
596 demonstrated and documented to the Chief Financial Officer that  
597 failure to make such deferred-payment purchase would adversely  
598 affect an agency in the performance of its duties. However, the  
599 Chief Financial Officer may approve any deferred-payment purchase  
600 if the Chief Financial Officer determines that such purchase is  
601 economically beneficial to the state.

602 ~~3. No agency shall obligate an annualized amount of~~  
603 ~~payments for deferred-payment purchases in excess of current~~  
604 ~~operating capital outlay appropriations, unless specifically~~  
605 ~~authorized by law or unless it can be satisfactorily demonstrated~~  
606 ~~and documented to the Chief Financial Officer that failure to~~  
607 ~~make such deferred-payment purchase would adversely affect an~~  
608 ~~agency in the performance of its duties.~~

609 3.4. A ~~No~~ contract may not ~~shall~~ be approved which extends

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610 payment beyond 5 years, unless it can be satisfactorily  
611 demonstrated and documented to the Chief Financial Officer that  
612 failure to make such deferred-payment purchase would adversely  
613 affect an agency in the performance of its duties. The payment  
614 term may not exceed the useful life of the equipment unless the  
615 contract provides for the replacement or the extension of the  
616 useful life of the equipment during the term of the loan.

617 (5) For purposes of this section, the annualized amount of  
618 any such deferred payment commodity contract must be supported  
619 from available recurring funds appropriated to the agency in an  
620 appropriation category, ~~other than the expense appropriation~~  
621 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief  
622 Financial Officer has determined is appropriate or which ~~that~~ the  
623 Legislature has designated for payment of the obligation incurred  
624 under this section.

625 Section 12. Subsections (10) and (11) of section 287.064,  
626 Florida Statutes, are amended to read:

627 287.064 Consolidated financing of deferred-payment  
628 purchases.--

629 (10) Costs incurred pursuant to a guaranteed energy  
630 performance savings contract, including the cost of energy  
631 conservation measures, each as defined in s. 489.145, may be  
632 financed pursuant to a master equipment financing agreement;  
633 however, the costs of training, operation, and maintenance may  
634 not be financed. The period of time for repayment of the funds  
635 drawn pursuant to the master equipment financing agreement under  
636 this subsection may exceed 5 years but may not exceed 20 ~~10~~ years  
637 for energy conservation measures pursuant to s. 489.145,  
638 excluding the costs of training, operation, and maintenance. The

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639 guaranteed energy performance savings contractor shall provide  
640 for the replacement or the extension of the useful life of the  
641 equipment during the term of the contract.

642 (11) For purposes of consolidated financing of deferred  
643 payment commodity contracts under this section by a state agency,  
644 the annualized amount of any such contract must be supported from  
645 available recurring funds appropriated to the agency in an  
646 appropriation category, ~~other than the expense appropriation~~  
647 category as defined in chapter 216, which ~~that~~ the Chief  
648 Financial Officer has determined is appropriate or that the  
649 Legislature has designated for payment of the obligation incurred  
650 under this section.

651 Section 13. Effective upon this act becoming a law,  
652 subsection (7) is added to section 366.04, Florida Statutes, to  
653 read:

654 366.04 Jurisdiction of commission.--

655 (7) The commission has specific authority to approve,  
656 conditionally approve, or deny a proposed transfer of utility  
657 assets or a proposed merger between a public utility and another  
658 entity or the public utility's parent company or holding company  
659 and another entity.

660 (a) A transfer of a utility asset or a merger or  
661 combination between a public utility and another entity or the  
662 utility's parent company or holding company and another entity  
663 may not occur through acquisition or change in control by stock  
664 purchase or otherwise without the approval of the commission and  
665 a determination that the proposed asset transfer or the proposed  
666 merger or combination is not detrimental to the public interest.  
667 However, a proposed asset transfer or a proposed merger or

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668 combination of a public utility and another entity or the public  
669 utility's parent or holding company and another entity may be  
670 made before the commission's approval if the action is made  
671 contingent upon commission approval.

672 (b) The commission may establish, by rule, minimum values  
673 of asset transfers which, because the value involved would not  
674 adversely affect the utility, would be deemed immaterial, and  
675 therefore would not be subject to commission review and approval.

676 (c) The commission may approve an asset transfer or a  
677 merger or combination as not being detrimental to the public  
678 interest if it finds, after full review of all relevant facts,  
679 that none of the following conditions exist or will exist if such  
680 asset transfer or merger or combination is consummated:

681 1. The transaction will adversely affect the adequacy and  
682 reliability of the electric service that is provided to the  
683 public utility's end-use customers;

684 2. The transaction will materially adversely affect the  
685 financial condition of the public utility; or

686 3. The public utility's plans for managing the costs and  
687 benefits of the merger or combination will unreasonably increase  
688 the rates of the end-use customers.

689 (d) A public utility seeking review under this subsection  
690 must file a petition with the commission concurrent with or  
691 before filing a similar petition to the Federal Energy Regulatory  
692 Commission pursuant to s. 1289, EPACT 2005 s. 203(a) of the  
693 Federal Power Act, 16 U.S.C. s. 824b(a). In support of the  
694 petition, the public utility shall file direct testimony and  
695 supporting documents at the time the initial petition is filed  
696 with the commission.



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697       (e) The commission shall enter its final order within 150  
698 days after the filing of the petition unless the commission and  
699 the utility agree to extend this time.

700       (f) The commission may adopt rules to administer this  
701 subsection.

702       Section 14. Effective upon this act becoming a law, section  
703 366.915, Florida Statutes, is created to read:

704       366.915 Advanced Energy Portfolio Standard.--

705       (1) This section may be cited as the "Florida Advanced  
706 Energy Portfolio Standard Act."

707       (2) (a) The Legislature finds that it is in the public's  
708 interest to:

709       1. Encourage investment in renewable energy resources in  
710 order to expand environmentally sustainable methods of generating  
711 electricity.

712       2. Stimulate the economic growth of this state.

713       3. Enhance the continued diversification of the fuel  
714 sources for electricity used in the state.

715       (b) The Legislature further finds and declares that a  
716 program requiring public utilities to use renewable energy is a  
717 way to encourage investments in renewable energy resources,  
718 stimulate economic growth within the state, and enhance the  
719 continued diversification of the state's energy resources.

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

721       (a) "Biomass" means a power source that is comprised of,  
722 but not limited to, combustible residues or gases from forest  
723 products manufacturing, agricultural and orchard crops, waste  
724 products from livestock and poultry operations and food  
725 processing, urban wood waste, municipal solid waste, municipal

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726 liquid waste treatment operations, and landfill gas.

727 (b) "Advanced energy" means electrical energy produced from  
728 a method that uses one or more of the following fuels or energy  
729 sources: hydrogen produced from sources other than fossil fuels,  
730 biomass, solar energy, geothermal energy, wind energy, ocean  
731 energy, and hydroelectric power. The term also includes energy-  
732 efficiency resources, such as waste heat from sulfuric acid  
733 manufacturing operations and combined heat and power. The term  
734 also includes nuclear and coal fuel when coal is used in a  
735 facility having potential carbon-capturing technology.

736 (4) Each public utility, as defined in s. 366.02, shall  
737 ensure that by 2015 and for each year thereafter, at least 50  
738 percent of all new net energy for load, using 2006 as a base  
739 year, is derived from advanced energy produced in this state. If  
740 a utility retrofits an existing plant to produce advanced energy,  
741 this energy counts toward meeting this requirement.

742 (5) If a public utility must purchase advanced energy in  
743 order to satisfy the requirements of this section, the public  
744 utility shall use a competitive-procurement process and give  
745 priority to entities that produce advanced energy in this state.

746 (6) The Public Service Commission may adopt rules to ensure  
747 that the purchase of advanced energy by public utilities is  
748 conducted in a fair and impartial manner, consistent with the  
749 goals set forth in this section. The commission also may develop  
750 an accreditation process to ensure that any entities providing  
751 renewable energy in this state satisfy the goals of this section.

752 (7) The requirements of this section shall be held in  
753 abeyance if the reasons for a utility's failure to comply are  
754 beyond the utility's control, including, but not limited to,

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755 actions of a governmental entity or agency or weather-related  
756 damage.

757 Section 15. Effective upon this act becoming a law,  
758 paragraph (b) of subsection (2) of section 366.91, Florida  
759 Statutes, is amended to read:

760 366.91 Renewable energy.--

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

762 (b) "Renewable energy" means electrical energy produced  
763 from a method that uses one or more of the following fuels or  
764 energy sources: hydrogen produced from sources other than fossil  
765 fuels, biomass, solar energy, geothermal energy, wind energy,  
766 ocean energy, and hydroelectric power. The term also includes the  
767 ~~alternative energy efficiency resources resource~~, waste heat,  
768 from sulfuric acid manufacturing operations, and combined heat  
769 and power.

770 Section 16. Effective upon this act becoming a law, section  
771 366.925, Florida Statutes, is created to read:

772 366.925 Electric utilities; net metering.--

773 (1) This section may be cited as the "Florida Net Metering  
774 Conservation Act."

775 (2) The commission shall develop rules requiring all public  
776 utilities to develop net-metering programs that meet the  
777 requirements of this subsection. Each utility shall make  
778 available meters that measure both energy production and  
779 consumption by the customer. The customer shall receive credit at  
780 the full retail rate for energy generated by an eligible system  
781 and consumed by that customer behind the meter. If the customer's  
782 system or systems behind the meter generates more energy than the  
783 customer consumes behind the meter during a billing cycle, the

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784 utility shall pay the customer for the excess generation at its  
785 full avoided cost, as set forth in s. 366.051. Net metering is  
786 available only at a single metering point and is not available as  
787 a part of conjunctive billing of multiple points for a customer  
788 or group of customers.

789 (3) The commission shall develop rules setting the  
790 interconnection requirements and other standards that renewable  
791 energy systems must meet in order to ensure public safety and  
792 reliability for customers who participate in the net-metering  
793 program.

794 Section 17. Effective upon this act becoming a law, every  
795 wholesaler of diesel to a marina within this state must offer  
796 biodiesel for sale.

797 Section 18. Subsection (3) of section 377.703, Florida  
798 Statutes, is amended to read:

799 377.703 Additional functions of the Department of  
800 Environmental Protection; energy emergency contingency plan;  
801 federal and state conservation programs.--

802 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The  
803 Department of Environmental Protection shall, in addition to  
804 assuming the duties and responsibilities provided by ss. 20.255  
805 and 377.701, perform the following functions consistent with the  
806 development of a state energy policy:

807 (a) The department shall assume the responsibility for  
808 development of an energy emergency contingency plan to respond to  
809 serious shortages of primary and secondary energy sources. Upon a  
810 finding by the Governor, implementation of any emergency program  
811 shall be upon order of the Governor that a particular kind or  
812 type of fuel is, or that the occurrence of an event which is

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813 reasonably expected within 30 days will make the fuel, in short  
814 supply. The department shall then respond by instituting the  
815 appropriate measures of the contingency plan to meet the given  
816 emergency or energy shortage. The Governor may utilize the  
817 provisions of s. 252.36(5) to carry out any emergency actions  
818 required by a serious shortage of energy sources.

819 (b) The department shall constitute the responsible state  
820 agency for performing or coordinating the functions of any  
821 federal energy programs delegated to the state, including energy  
822 supply, demand, conservation, or allocation.

823 (c) The department shall analyze present and proposed  
824 federal energy programs and make recommendations regarding those  
825 programs to the Governor.

826 (d) The department shall coordinate efforts to seek federal  
827 support or other support for state energy conservation  
828 activities, ~~including energy conservation, research, or~~  
829 ~~development,~~ and shall be the state agency responsible for the  
830 coordination of multiagency energy conservation programs and  
831 plans.

832 ~~(e) The department shall analyze energy data collected and~~  
833 ~~prepare long-range forecasts of energy supply and demand in~~  
834 ~~coordination with the Florida Public Service Commission, which~~  
835 ~~shall have responsibility for electricity and natural gas~~  
836 ~~forecasts. To this end, the forecasts shall contain:~~

837 ~~1. An analysis of the relationship of state economic growth~~  
838 ~~and development to energy supply and demand, including the~~  
839 ~~constraints to economic growth resulting from energy supply~~  
840 ~~constraints.~~

841 ~~2. Plans for the development of renewable energy resources~~

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842 ~~and reduction in dependence on depletable energy resources,~~  
843 ~~particularly oil and natural gas, and an analysis of the extent~~  
844 ~~to which renewable energy sources are being utilized in the~~  
845 ~~state.~~

846 ~~3. Consideration of alternative scenarios of statewide~~  
847 ~~energy supply and demand for 5, 10, and 20 years, to identify~~  
848 ~~strategies for long-range action, including identification of~~  
849 ~~potential social, economic, and environmental effects.~~

850 ~~4. An assessment of the state's energy resources, including~~  
851 ~~examination of the availability of commercially developable and~~  
852 ~~imported fuels, and an analysis of anticipated effects on the~~  
853 ~~state's environment and social services resulting from energy~~  
854 ~~resource development activities or from energy supply~~  
855 ~~constraints, or both.~~

856 (e)~~(f)~~ The department shall make a report, as requested by  
857 the Governor or the Legislature, reflecting its activities and  
858 making recommendations of policies for improvement of the state's  
859 response to energy supply and demand and its effect on the  
860 health, safety, and welfare of the people of Florida. The report  
861 shall include a report from the Florida Public Service Commission  
862 on electricity and natural gas and information on energy  
863 conservation programs conducted and under way in the past year  
864 and shall include recommendations for energy conservation  
865 programs for the state, including, but not limited to, the  
866 following factors:

867 1. Formulation of specific recommendations for improvement  
868 in the efficiency of energy utilization in governmental,  
869 residential, commercial, industrial, and transportation sectors.

870 2. Collection and dissemination of information relating to

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871 energy conservation.

872 3. Development and conduct of educational and training  
873 programs relating to energy conservation.

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

877 (f) ~~(g)~~ The department has authority to adopt rules pursuant  
878 to ss. 120.536(1) and 120.54 to implement the provisions of this  
879 act.

880 ~~(h) Promote the development and use of renewable energy  
881 resources, in conformance with the provisions of chapter 187 and  
882 s. 377.601, by:~~

883 1. ~~Establishing goals and strategies for increasing the use  
884 of solar energy in this state.~~

885 2. ~~Aiding and promoting the commercialization of solar  
886 energy technology, in cooperation with the Florida Solar Energy  
887 Center, Enterprise Florida, Inc., and any other federal, state,  
888 or local governmental agency which may seek to promote research,  
889 development, and demonstration of solar energy equipment and  
890 technology.~~

891 3. ~~Identifying barriers to greater use of solar energy  
892 systems in this state, and developing specific recommendations  
893 for overcoming identified barriers, with findings and  
894 recommendations to be submitted annually in the report to the  
895 Legislature required under paragraph (f).~~

896 4. ~~In cooperation with the Department of Transportation,  
897 the Department of Community Affairs, Enterprise Florida, Inc.,  
898 the Florida Solar Energy Center, and the Florida Solar Energy  
899 Industries Association, investigating opportunities, pursuant to~~

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900 ~~the National Energy Policy Act of 1992 and the Housing and~~  
901 ~~Community Development Act of 1992, for solar electric vehicles~~  
902 ~~and other solar energy manufacturing, distribution, installation,~~  
903 ~~and financing efforts which will enhance this state's position as~~  
904 ~~the leader in solar energy research, development, and use.~~

905 ~~5. Undertaking other initiatives to advance the development~~  
906 ~~and use of renewable energy resources in this state.~~

907  
908 ~~In the exercise of its responsibilities under this paragraph, the~~  
909 ~~department shall seek the assistance of the solar energy industry~~  
910 ~~in this state and other interested parties and is authorized to~~  
911 ~~enter into contracts, retain professional consulting services,~~  
912 ~~and expend funds appropriated by the Legislature for such~~  
913 ~~purposes.~~

914 (g)(i) The department shall promote energy conservation in  
915 all energy use sectors throughout the state and shall constitute  
916 the state agency primarily responsible for this function. To this  
917 end, the department shall coordinate the energy conservation  
918 programs of all state agencies and review and comment on the  
919 energy conservation programs of all state agencies.

920 ~~(j)~~ ~~The department shall serve as the state clearinghouse~~  
921 ~~for indexing and gathering all information related to energy~~  
922 ~~programs in state universities, in private universities, in~~  
923 ~~federal, state, and local government agencies, and in private~~  
924 ~~industry and shall prepare and distribute such information in any~~  
925 ~~manner necessary to inform and advise the citizens of the state~~  
926 ~~of such programs and activities. This shall include developing~~  
927 ~~and maintaining a current index and profile of all research~~  
928 ~~activities, which shall be identified by energy area and may~~



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929 ~~include a summary of the project, the amount and sources of~~  
930 ~~funding, anticipated completion dates, or, in case of completed~~  
931 ~~research, conclusions, recommendations, and applicability to~~  
932 ~~state government and private sector functions. The department~~  
933 ~~shall coordinate, promote, and respond to efforts by all sectors~~  
934 ~~of the economy to seek financial support for energy activities.~~  
935 ~~The department shall provide information to consumers regarding~~  
936 ~~the anticipated energy-use and energy-saving characteristics of~~  
937 ~~products and services in coordination with any federal, state, or~~  
938 ~~local governmental agencies as may provide such information to~~  
939 ~~consumers.~~

940 (h) ~~(k)~~ The department shall coordinate energy-related  
941 programs of state government, including, but not limited to, the  
942 programs provided in this section. To this end, the department  
943 shall:

944 1. Provide assistance to other state agencies, counties,  
945 municipalities, and regional planning agencies to further and  
946 promote their energy planning activities.

947 2. Require, in cooperation with the Department of  
948 Management Services, all state agencies to operate state-owned  
949 and state-leased buildings in accordance with energy conservation  
950 standards as adopted by the Department of Management Services.  
951 Every 3 months, the Department of Management Services shall  
952 furnish the department data on agencies' energy consumption in a  
953 format mutually agreed upon by the two departments.

954 3. Promote the development and use of ~~renewable energy~~  
955 ~~resources, energy efficiency technologies, and conservation~~  
956 ~~measures.~~

957 4. Promote the recovery of energy from wastes, including,

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958 | but not limited to, the use of waste heat, the use of  
959 | agricultural products as a source of energy, and recycling of  
960 | manufactured products. Such promotion shall be conducted in  
961 | conjunction with, and after consultation with, the Department of  
962 | Environmental Protection, the Florida Public Service Commission  
963 | where electrical generation or natural gas is involved, and any  
964 | other relevant federal, state, or local governmental agency  
965 | having responsibility for resource recovery programs.

966 |       (i)~~(l)~~ The department shall develop, coordinate, and  
967 | promote a comprehensive research plan for state programs. Such  
968 | plan shall be consistent with state energy policy and shall be  
969 | updated on a biennial basis.

970 |       (j)~~(m)~~ In recognition of the devastation to the economy of  
971 | this state and the dangers to the health and welfare of residents  
972 | of this state caused by Hurricane Andrew, and the potential for  
973 | such impacts caused by other natural disasters, the department  
974 | shall include in its energy emergency contingency plan and  
975 | provide to the Department of Community Affairs for inclusion in  
976 | the state model energy efficiency building code specific  
977 | provisions to facilitate the use of cost-effective solar energy  
978 | technologies as emergency remedial and preventive measures for  
979 | providing electric power, street lighting, and water heating  
980 | service in the event of electric power outages.

981 |       Section 19. Subsection (2) of section 377.803, Florida  
982 | Statutes, is repealed.

983 |       Section 20. Subsections (2) and (3) of section 377.806,  
984 | Florida Statutes, are amended, present subsection (6) of that  
985 | section is renumbered as subsection (7), present subsection (7)  
986 | of that section is renumbered as subsection (8) and amended, and

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987 a new subsection (6) is added to that section, to read:

988 377.806 Solar Energy System Incentives Program.--

989 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

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

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

994 2. The system complies with state interconnection standards  
995 as provided by the commission.

996 3. The system complies with all applicable building codes  
997 as defined by the local jurisdictional authority.

998 (b) Rebate amounts.--The rebate amount shall be set at \$4  
999 per watt based on the total wattage rating of the system. The  
1000 maximum allowable rebate per solar photovoltaic system  
1001 installation shall be as follows:

1002 1. Twenty thousand dollars for a residence.

1003 2. One hundred thousand dollars for a place of business, a  
1004 publicly owned or operated facility, or a facility owned or  
1005 operated by a private, not-for-profit organization, including  
1006 condominiums or apartment buildings.

1007 (c) Application.--To be eligible to receive a rebate,  
1008 applicants must file with the department a preapplication form  
1009 demonstrating that the planned system will meet applicable  
1010 requirements of this section. The department shall review the  
1011 preapplication to determine if it complies with the requirements  
1012 of this section, shall notify the applicant within 30 days after  
1013 receipt of the preapplication that the preapplication has been  
1014 received and meets such requirements, and shall reserve funding  
1015 for the preapplication for up to 90 days following the date of

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1016 issuance of notification to the applicant. Within 90 days after  
1017 the purchase of the solar photovoltaic system, the applicant must  
1018 submit to the department a separate application for a rebate  
1019 payment.

1020 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

1021 (a) Eligibility requirements.--A solar thermal system  
1022 qualifies for a rebate if:

1023 1. The system is installed by a state-licensed solar or  
1024 plumbing contractor.

1025 2. The system complies with all applicable building codes  
1026 as defined by the local jurisdictional authority.

1027 (b) Rebate amounts.--Authorized rebates for installation of  
1028 solar thermal systems shall be as follows:

1029 1. Five hundred dollars for a residence.

1030 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000  
1031 for a place of business, a publicly owned or operated facility,  
1032 or a facility owned or operated by a private, not-for-profit  
1033 organization, including condominiums or apartment buildings. ~~Btu~~  
1034 ~~must be verified by approved metering equipment.~~

1035 (6) LIMITATION.--Rebates are limited to one type of system  
1036 per resident per state fiscal year.

1037 (8) ~~(7)~~ RULES.--The department shall adopt rules pursuant to  
1038 ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for  
1039 rebate reservations and rebate payments and administer the  
1040 issuance of rebates.

1041 Section 21. Section 403.0874, Florida Statutes, is created  
1042 to read:

1043 403.0874 Greenhouse gas inventories.--

1044 (1) "Greenhouse gases" means gases that trap heat in the

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1045 atmosphere. The principal greenhouse gases are: carbon dioxide  
1046 (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases,  
1047 such as hydrofluorocarbons, perfluorocarbons, and sulfur  
1048 hexafluoride.

1049 (2) The department shall develop greenhouse gas inventories  
1050 that account for annual greenhouse gases emitted to and removed  
1051 from the atmosphere, and forecast gases emitted and removed, for  
1052 all major greenhouse gases, for time periods determined  
1053 sufficient by the department to provide for adequate analysis and  
1054 planning. The inventory shall also include greenhouse gas  
1055 emissions that are considered carbon neutral through the use of  
1056 renewable energy as defined in s. 366.91(2) (a).

1057 (3) By rule, the department shall define which greenhouse  
1058 gases are to be included in each inventory, the criteria for  
1059 defining major emitters, which emitters must report emissions,  
1060 and what methodologies shall be used to estimate gases emitted  
1061 and removed from those not required to report.

1062 (4) The department may require all major emitters of  
1063 defined greenhouse gases to report emissions according to  
1064 methodologies and reporting systems approved by the department  
1065 and established by rule, which may include the use of quality-  
1066 assured data from continuous emissions monitoring systems.

1067 Section 22. Section 489.145, Florida Statutes, is amended  
1068 to read:

1069 489.145 Guaranteed energy performance savings  
1070 contracting.--

1071 (1) SHORT TITLE.--This section may be cited as the  
1072 "Guaranteed Energy Performance Savings Contracting Act."

1073 (2) LEGISLATIVE FINDINGS.--The Legislature finds that

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1074 investment in energy conservation measures in agency facilities  
1075 can reduce the amount of energy consumed and produce immediate  
1076 and long-term savings. It is the policy of this state to  
1077 encourage agencies to invest in energy conservation measures ~~that~~  
1078 ~~reduce energy consumption, produce a cost savings for the agency,~~  
1079 ~~and improve the quality of indoor air in public facilities and to~~  
1080 ~~operate, maintain, and, when economically feasible, build or~~  
1081 ~~renovate existing agency facilities in such a manner as to~~  
1082 minimize energy consumption and maximize energy savings. It is  
1083 further the policy of this state to encourage agencies to  
1084 reinvest any energy savings resulting from energy conservation  
1085 measures in additional energy conservation efforts.

1086 (3) DEFINITIONS.--As used in this section, the term:

1087 (a) "Agency" means the state, a municipality, or a  
1088 political subdivision.

1089 (b) "Energy conservation measure" means a ~~training program,~~  
1090 facility alteration, or an equipment purchase to be used in new  
1091 construction, including an addition to an existing facility,  
1092 which reduces energy or energy-related operating costs and  
1093 includes, but is not limited to:

1094 1. Insulation of the facility structure and systems within  
1095 the facility.

1096 2. Storm windows and doors, caulking or weatherstripping,  
1097 multiglazed windows and doors, heat-absorbing, or heat-  
1098 reflective, glazed and coated window and door systems, additional  
1099 glazing, reductions in glass area, and other window and door  
1100 system modifications that reduce energy consumption.

1101 3. Automatic energy control systems.

1102 4. Heating, ventilating, or air-conditioning system

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1103 modifications or replacements.

1104 5. Replacement or modifications of lighting fixtures to  
1105 increase the energy efficiency of the lighting system, which, at  
1106 a minimum, must conform to the applicable state or local building  
1107 code.

1108 6. Energy recovery systems.

1109 7. Cogeneration systems that produce steam or forms of  
1110 energy such as heat, as well as electricity, for use primarily  
1111 within a facility or complex of facilities.

1112 8. Energy conservation measures that reduce Btu, kW, or kWh  
1113 consumed or provide long-term operating cost reductions ~~or~~  
1114 ~~significantly reduce Btu consumed.~~

1115 9. Renewable energy systems, such as solar, biomass, or  
1116 wind systems.

1117 10. Devices that reduce water consumption or sewer charges.

1118 11. Storage systems, such as fuel cells and thermal  
1119 storage.

1120 12. Generating technologies, such as microturbines.

1121 13. Any other repair, replacement, or upgrade of existing  
1122 equipment.

1123 (c) "Energy cost savings" means a measured reduction in the  
1124 cost of fuel, energy consumption, and stipulated operation and  
1125 maintenance created from the implementation of one or more energy  
1126 conservation measures when compared with an established baseline  
1127 for the previous cost of fuel, energy consumption, and stipulated  
1128 operation and maintenance.

1129 (d) "Guaranteed energy performance savings contract" means  
1130 a contract for the evaluation, recommendation, and implementation  
1131 of energy conservation measures or energy-related operational

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1132 saving measures, which, at a minimum, shall include:

1133 1. The design and installation of equipment to implement  
1134 one or more of such measures and, if applicable, operation and  
1135 maintenance of such measures.

1136 2. The amount of any actual annual savings that meet or  
1137 exceed total annual contract payments made by the agency for the  
1138 contract and may include allowable cost avoidance. As used in  
1139 this section, allowable cost avoidance calculations include, but  
1140 are not limited to, avoided provable budgeted costs contained in  
1141 a capital replacement plan less the current undepreciated value  
1142 of replaced equipment and the replacement cost of the new  
1143 equipment.

1144 3. The finance charges incurred by the agency over the life  
1145 of the contract.

1146 (e) "Guaranteed energy performance savings contractor"  
1147 means a person or business that is licensed under chapter 471,  
1148 chapter 481, or this chapter, and is experienced in the analysis,  
1149 design, implementation, or installation of energy conservation  
1150 measures through energy performance contracts.

1151 (4) PROCEDURES.--

1152 (a) An agency may enter into a guaranteed energy  
1153 performance savings contract with a guaranteed energy performance  
1154 savings contractor to ~~significantly~~ reduce energy consumption or  
1155 energy-related operating costs of an agency facility through one  
1156 or more energy conservation measures.

1157 (b) Before design and installation of energy conservation  
1158 measures, the agency must obtain from a guaranteed energy  
1159 performance savings contractor a report that summarizes the costs  
1160 associated with the energy conservation measures or energy-



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1161 related operational cost saving measures and provides an estimate  
1162 of the amount of the ~~energy~~ cost savings. The agency and the  
1163 guaranteed energy performance savings contractor may enter into a  
1164 separate agreement to pay for costs associated with the  
1165 preparation and delivery of the report; however, payment to the  
1166 contractor shall be contingent upon the report's projection of  
1167 energy or operational cost savings being equal to or greater than  
1168 the total projected costs of the design and installation of the  
1169 report's energy conservation measures.

1170 (c) The agency may enter into a guaranteed energy  
1171 performance savings contract with a guaranteed energy performance  
1172 savings contractor if the agency finds that the amount the agency  
1173 would spend on the energy conservation or energy-related cost  
1174 saving measures will not likely exceed the amount of the energy  
1175 or energy-related cost savings for up to 20 years from the date  
1176 of installation, based on the life cycle cost calculations  
1177 provided in s. 255.255, if the recommendations in the report were  
1178 followed and if the qualified provider or providers give a  
1179 written guarantee that the energy or energy-related cost savings  
1180 will meet or exceed the costs of the system. However, actual  
1181 computed cost savings must meet or exceed the estimated cost  
1182 savings provided in program approval. Baseline adjustments used  
1183 in calculations must be specified in the contract. The contract  
1184 may provide for installment payments for a period not to exceed  
1185 20 years.

1186 (d) A guaranteed energy performance savings contractor must  
1187 be selected in compliance with s. 287.055; except that if fewer  
1188 than three firms are qualified to perform the required services,  
1189 the requirement for agency selection of three firms, as provided

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1190 in s. 287.055(4)(b), and the bid requirements of s. 287.057 do  
1191 not apply.

1192 (e) Before entering into a guaranteed energy performance  
1193 savings contract, an agency must provide published notice of the  
1194 meeting in which it proposes to award the contract, the names of  
1195 the parties to the proposed contract, and the contract's purpose.

1196 (f) A guaranteed energy performance savings contract may  
1197 provide for financing, including tax exempt financing, by a third  
1198 party. The contract for third party financing may be separate  
1199 from the energy performance contract. A separate contract for  
1200 third party financing pursuant to this paragraph must include a  
1201 provision that the third party financier must not be granted  
1202 rights or privileges that exceed the rights and privileges  
1203 available to the guaranteed energy performance savings  
1204 contractor.

1205 (g) Financing for guaranteed energy performance savings  
1206 contracts may be provided under the authority of s. 287.064.

1207 (h) The Office of the Chief Financial Officer shall review  
1208 proposals to ensure that the most effective financing is being  
1209 used.

1210 (i)~~(g)~~ In determining the amount the agency will finance to  
1211 acquire the energy conservation measures, the agency may reduce  
1212 such amount by the application of any grant moneys, rebates, or  
1213 capital funding available to the agency for the purpose of buying  
1214 down the cost of the guaranteed energy performance savings  
1215 contract. However, in calculating the life cycle cost as required  
1216 in paragraph (c), the agency shall not apply any grants, rebates,  
1217 or capital funding.

1218 (5) CONTRACT PROVISIONS.--

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1219 (a) A guaranteed energy performance savings contract must  
1220 include a written guarantee that may include, but is not limited  
1221 to the form of, a letter of credit, insurance policy, or  
1222 corporate guarantee by the guaranteed energy performance savings  
1223 contractor that annual energy cost savings will meet or exceed  
1224 the amortized cost of energy conservation measures.

1225 (b) The guaranteed energy performance savings contract must  
1226 provide that all payments, except obligations on termination of  
1227 the contract before its expiration, may be made over time, but  
1228 not to exceed 20 years from the date of complete installation and  
1229 acceptance by the agency, and that the annual savings are  
1230 guaranteed to the extent necessary to make annual payments to  
1231 satisfy the guaranteed energy performance savings contract.

1232 (c) The guaranteed energy performance savings contract must  
1233 require that the guaranteed energy performance savings contractor  
1234 to whom the contract is awarded provide a 100-percent public  
1235 construction bond to the agency for its faithful performance, as  
1236 required by s. 255.05.

1237 (d) The guaranteed energy performance savings contract may  
1238 contain a provision allocating to the parties to the contract any  
1239 annual energy cost savings that exceed the amount of the energy  
1240 cost savings guaranteed in the contract.

1241 (e) The guaranteed energy performance savings contract  
1242 shall require the guaranteed energy performance savings  
1243 contractor to provide to the agency an annual reconciliation of  
1244 the guaranteed energy or energy-related cost savings. If the  
1245 reconciliation reveals a shortfall in annual energy or energy-  
1246 related cost savings, the guaranteed energy performance savings  
1247 contractor is liable for such shortfall. If the reconciliation

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1248 reveals an excess in annual ~~energy~~ cost savings, the excess  
1249 savings may be allocated under paragraph (d) but may not be used  
1250 to cover potential energy cost savings shortages in subsequent  
1251 contract years.

1252 (f) The guaranteed energy performance savings contract must  
1253 provide for payments of not less than one-twentieth of the price  
1254 to be paid within 2 years from the date of the complete  
1255 installation and acceptance by the agency using straight-line  
1256 amortization for the term of the loan, and the remaining costs to  
1257 be paid at least quarterly, not to exceed a 20-year term, based  
1258 on life cycle cost calculations.

1259 (g) The guaranteed energy performance savings contract may  
1260 extend beyond the fiscal year in which it becomes effective;  
1261 however, the term of any contract expires at the end of each  
1262 fiscal year and may be automatically renewed annually for up to  
1263 20 years, subject to the agency making sufficient annual  
1264 appropriations based upon continued realized energy savings.

1265 (h) The guaranteed energy performance savings contract must  
1266 stipulate that it does not constitute a debt, liability, or  
1267 obligation of the state.

1268 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The  
1269 Department of Management Services, with the assistance of the  
1270 Office of the Chief Financial Officer, shall ~~may~~, within  
1271 available resources, provide technical content assistance to  
1272 state agencies contracting for energy conservation measures and  
1273 engage in other activities considered appropriate by the  
1274 department for promoting and facilitating guaranteed energy  
1275 performance contracting by state agencies. The Office of the  
1276 Chief Financial Officer, with the assistance of the Department of

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1277 Management Services, shall ~~may, within available resources,~~  
1278 develop model contractual and related documents for use by state  
1279 agencies. Prior to entering into a guaranteed energy performance  
1280 savings contract, any contract or lease for third-party  
1281 financing, or any combination of such contracts, a state agency  
1282 shall submit such proposed contract or lease to the Office of the  
1283 Chief Financial Officer for review and approval. A proposed  
1284 contract or lease shall include:

1285 (a) Supporting information required by s. 216.023(4)(a)9.

1286 (b) Documentation supporting recurring funds requirements  
1287 in ss. 287.063(5) and 287.064(11).

1288 (c) Approval by the agency head or his or her designee.

1289 (d) An agency measurement and verification plan to monitor  
1290 costs savings.

1291 (7) FUNDING SUPPORT.--For purposes of consolidated  
1292 financing of deferred payment commodity contracts under this  
1293 section by a state agency, any such contract must be supported  
1294 from available recurring funds appropriated to the agency in an  
1295 appropriation category, as defined in chapter 216, which the  
1296 Chief Financial Officer has determined is appropriate or which  
1297 the Legislature has designated for payment of the obligation  
1298 incurred under this section.

1299  
1300 The Office of the Chief Financial Officer may not approve any  
1301 contract submitted under this section which does not meet the  
1302 requirements of this section.

1303 Section 23. Section 570.958, Florida Statutes, is created  
1304 to read:

1305 570.958 Biofuel Retail Sales Incentive Program.--

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1306       (1) The purpose of this section is to encourage the retail  
1307 sale of biofuels in this state and replace petroleum consumption  
1308 in the state by the following percentages over the specified  
1309 periods:

1310       (a) Three percent from January 1, 2010, through December  
1311 31, 2010.

1312       (b) Five percent from January 1, 2011, through December 31,  
1313 2011.

1314       (c) Seven percent from January 1, 2012, through December  
1315 31, 2012.

1316       (d) Ten percent from January 1, 2013, through December 31,  
1317 2013.

1318       (2) As used in this section, the term:

1319       (a) "Biodiesel" means the mono-alkyl esters of long-chain  
1320 fatty acids derived from plant or animal matter for use as a  
1321 source of energy and meeting the specifications for biodiesel and  
1322 biodiesel blended with petroleum products as adopted by the  
1323 department.

1324       (b) "Biofuel" means E85 fuel ethanol, E10 motor fuel,  
1325 biodiesel, and diesel blended fuel.

1326       (c) "Diesel blended fuel" means a fuel mixture containing  
1327 10 percent or more biodiesel or renewable diesel fuel, with the  
1328 balance comprised of diesel fuel and meeting the specifications  
1329 for diesel blends as adopted by the department.

1330       (d) "E85 fuel ethanol" means ethanol blended with gasoline  
1331 and formulated with a nominal percentage of 85 percent ethanol by  
1332 volume and meeting the applicable fuel quality specifications as  
1333 adopted by the department.

1334       (e) "E10 motor fuel" means a motor fuel blend consisting of

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1335 nominal percentages of 90 percent gasoline by volume and 10  
1336 percent ethanol by volume and meeting the fuel quality  
1337 specifications for gasoline as adopted by the department.

1338 (f) "Ethanol or fuel ethanol" means an anhydrous denatured  
1339 alcohol produced by the conversion of carbohydrates and meeting  
1340 the specifications for fuel ethanol as adopted by the department.

1341 (g) "Fuel dispenser" means a pump, meter, or similar device  
1342 used to measure and deliver motor fuel or diesel fuel on a retail  
1343 basis.

1344 (h) "Renewable diesel fuel" means a fuel that meets the  
1345 registration requirements for fuels and fuel additives  
1346 established by the Environmental Protection Agency in the Clean  
1347 Air Act; is not a mono-alkyl ester; is intended for use in  
1348 engines that are designed to run on conventional, petroleum-  
1349 derived diesel fuel; is derived from nonpetroleum renewable  
1350 resources, including, but not limited to, vegetable oils, animal  
1351 wastes, including poultry fats and poultry wastes, and other  
1352 waste materials, or municipal solid waste and sludges and oils  
1353 derived from wastewater and the treatment of wastewater; and  
1354 meets the specifications for diesel fuel as adopted by the  
1355 department.

1356 (i) "Retail dealer" means any person who is engaged in the  
1357 business of selling fuel at retail at posted retail prices.

1358 (j) "Retail motor fuel site" means a geographic location in  
1359 this state where a retail dealer sells or offers for sale motor  
1360 fuel, diesel fuel, or biofuel to the public.

1361 (3) (a) Subject to specific appropriation, a retail dealer  
1362 who sells biofuel through fuel dispensers at retail motor fuel  
1363 sites is entitled to an incentive payment that shall be computed

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1364 | as follows:

1365 |       1. An incentive of 1 cent for each gallon of E10 motor fuel  
1366 | sold through a fuel dispenser.

1367 |       2. An incentive of 5 cents for each gallon of E85 fuel  
1368 | ethanol sold through a fuel dispenser.

1369 |       3. An incentive of 1 cent for each gallon of diesel blended  
1370 | fuel sold through a fuel dispenser.

1371 |       4. An incentive of 3 cents for each gallon of biodiesel  
1372 | sold through a fuel dispenser.

1373 |       (b) The incentive may be claimed for biofuel sold on or  
1374 | after January 1, 2010. Beginning in 2011, each applicant claiming  
1375 | an incentive under this section must first apply to the  
1376 | department by February 1 of each year for an allocation of the  
1377 | available incentive for the preceding calendar year. The  
1378 | department shall develop an application form. The application  
1379 | form shall, at a minimum, require a sworn affidavit from each  
1380 | retail dealer certifying the following information:

1381 |       1. The name and principal address of the retail dealer.

1382 |       2. The address of the retail dealer's retail motor fuel  
1383 | sites from which it sold biofuels during the preceding calendar  
1384 | year.

1385 |       3. The total gallons of E10 ethanol sold through fuel  
1386 | dispensers.

1387 |       4. The total gallons of E85 ethanol sold through fuel  
1388 | dispensers.

1389 |       5. The total gallons of diesel blended fuel sold through  
1390 | fuel dispensers.

1391 |       6. The total gallons of biodiesel sold through fuel  
1392 | dispensers.



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1393       7. Any other information deemed necessary by the department  
1394 to adequately ensure that the incentive allowed under this  
1395 section shall be made only to qualified Florida retail dealers.

1396       (c) The department shall determine the amount of the  
1397 incentive allowed under this section.

1398       (4) If the amount of incentives applied for each year  
1399 exceeds the amount appropriated, the department shall pay to each  
1400 applicant a prorated amount based on each applicant's gallonage  
1401 of qualified biofuel sold and dispensed that is eligible for the  
1402 incentive under this section.

1403       (5) The department may adopt rules pursuant to ss.  
1404 120.536(1) and 120.54 to implement and administer this section,  
1405 including rules prescribing forms, the documentation needed to  
1406 substantiate a claim for the incentive, and the specific  
1407 procedures and guidelines for claiming the incentive.

1408       Section 24. Section 570.959, Florida Statutes, is created  
1409 to read:

1410       570.959 Florida Biofuel Production Incentive Program.--

1411       (1) The purpose of this section is to encourage the  
1412 development and expansion of facilities that produce biofuels in  
1413 this state from crops, agricultural waste and residues, and other  
1414 biomass produced in this state by providing economic incentives  
1415 to do so.

1416       (2) As used in this section, the term:

1417       (a) "Biodiesel" means the mono-alkyl esters of long-chain  
1418 fatty acids derived from plant or animal matter for use as a  
1419 source of energy and meeting the specifications for biodiesel and  
1420 biodiesel blended with petroleum products as adopted by the  
1421 department.

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1422 (b) "Biofuel" means ethanol or biodiesel.

1423 (c) "Ethanol" or "fuel ethanol" means an anhydrous  
1424 denatured alcohol produced by the conversion of carbohydrates and  
1425 meeting the specifications for fuel ethanol adopted by the  
1426 department.

1427 (d) "Florida biofuel production" means production of  
1428 biofuel in the state from crops, agricultural waste and residues,  
1429 and other biomass produced in this state.

1430 (3) In order to be eligible for the incentive provided in  
1431 this section, a producer must have registered and have met the  
1432 requirements contained in chapter 206.

1433 (4) An incentive, subject to appropriation, shall be paid  
1434 to a producer based on Florida biofuel production as follows:

1435 (a) The incentive shall be 5 cents for each gallon of  
1436 unblended Florida biofuel produced, exclusive of denaturant,  
1437 during a given calendar year and sold to an unrelated blender of  
1438 biofuel.

1439 (b) The incentive may be earned for production on or after  
1440 January 1, 2010. Beginning in 2011, each producer claiming an  
1441 incentive under this section must first apply to the department  
1442 by February 1 of each year for an allocation of available  
1443 incentives. The department shall develop an application form that  
1444 shall, at a minimum, require a sworn affidavit from each producer  
1445 certifying the production that forms the basis of the application  
1446 and certifying that all information contained in the application  
1447 is true and correct.

1448 (c) The department shall determine whether or not such  
1449 production is eligible for the incentive under this section.

1450 (d) If the amount of incentives applied for each year

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1451 exceeds the amount appropriated, the department shall pay to each  
1452 applicant a prorated amount based on the percentage of biofuel  
1453 produced that is eligible for the incentive under this section.

1454 (5) The department may adopt rules pursuant to ss.  
1455 120.536(1) and 120.54 to implement and administer this section,  
1456 including rules prescribing forms, the documentation needed to  
1457 substantiate a claim for the incentive, and the specific  
1458 procedures and guidelines for claiming the incentive.

1459 Section 25. (1) The Florida Building Commission shall  
1460 convene a workgroup comprised of representatives from the Florida  
1461 Energy Commission, the Department of Community Affairs, the  
1462 Building Officials Association of Florida, the Florida Energy  
1463 Office, the Florida Home Builders Association, the Association of  
1464 Counties, the League of Cities, and other stakeholders to develop  
1465 a model residential energy efficiency ordinance that provides  
1466 incentives to meet energy efficiency standards. The commission  
1467 must report back to the Legislature with a developed ordinance by  
1468 March 1, 2010.

1469 (2) The Florida Building Commission shall, in consultation  
1470 with the Florida Energy Commission, the Building Officials  
1471 Association of Florida, the Florida Energy Office, the Florida  
1472 Home Builders Association, the Association of Counties, the  
1473 League of Cities, and other stakeholders, review the Florida  
1474 Energy Code for Building Construction. Specifically, the  
1475 commission shall revisit the analysis of cost-effectiveness that  
1476 serves as the basis for energy efficiency levels for residential  
1477 buildings, identify cost-effective means to improve energy  
1478 efficiency in commercial buildings, and compare the code to the  
1479 International Energy Conservation Code and the American Society

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1480 of Heating Air-Conditioning and Refrigeration Engineers Standards  
1481 90.1 and 90.2. The commission shall provide a report containing a  
1482 standard to the Legislature by March 1, 2010, which may be  
1483 adopted for the construction of all new residential, commercial,  
1484 and government buildings.

1485 (3) The Florida Building Commission, in consultation with  
1486 the Florida Solar Energy Center, the Florida Energy Commission,  
1487 the Florida Energy Office, the United States Department of  
1488 Energy, and the Florida Home Builders Association, shall develop  
1489 and implement a public awareness campaign that promotes energy  
1490 efficiency and the benefits of building green by January 1, 2010.  
1491 The campaign must include enhancement of an existing web site  
1492 from which the public can obtain information pertaining to green  
1493 building practices, calculate anticipated savings from use of  
1494 those options, as well as learn about energy efficiency  
1495 strategies that may be used in their existing home or when  
1496 building a home. The campaign shall focus on the benefits of  
1497 promoting energy efficiency to the purchasers of new homes, the  
1498 various green building ratings available, and the promotion of  
1499 various energy-efficient products through existing trade shows.  
1500 The campaign must also include strategies for using print  
1501 advertising, press releases, and television advertising to  
1502 promote voluntary use of green building practices.

1503 Section 26. (1) The Legislature declares that there is an  
1504 important state interest in promoting the construction of energy-  
1505 efficient and sustainable buildings. Government leadership in  
1506 promoting these standards is vital to demonstrate the state's  
1507 commitment to energy conservation, saving taxpayers money, and  
1508 raising public awareness of energy-rating systems.

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1509       (2) All county, municipal, and public community college  
1510 buildings shall be constructed to meet the United States Green  
1511 Building Council (USGBC) Leadership in Energy and Environmental  
1512 Design (LEED) rating system, Green Building Initiative's Green  
1513 Globes rating system, or a nationally recognized, high-  
1514 performance green building rating system as approved by the  
1515 Department of Management Services. This section applies to all  
1516 county, municipal, and public community college buildings whose  
1517 architectural plans are started after July 1, 2010.

1518       Section 27. State fleet biodiesel usage.--

1519       (1) By July 1, 2010, a minimum of 5 percent, by January 1,  
1520 2011, a minimum of 10 percent, and by January 1, 2012, a minimum  
1521 of 20 percent of total diesel fuel purchases for use by state-  
1522 owned diesel vehicles and equipment shall be biodiesel fuel  
1523 (B20), subject to availability.

1524       (2) By July 1, 2010, a minimum of 5 percent, by January 1,  
1525 2011, a minimum of 10 percent, and by January 1, 2012, a minimum  
1526 of 20 percent of total fuel purchases for use by state-owned  
1527 flex-fuel vehicles shall be ethanol, subject to availability.

1528       (3) The Department of Management Services shall provide for  
1529 the proper administration, implementation, and enforcement of  
1530 this section.

1531       (4) The Department of Management Services shall report to  
1532 the Legislature on or before March 1, 2010, and annually  
1533 thereafter, the extent of biodiesel and ethanol use in the state  
1534 fleet. The report must contain the number of gallons purchased  
1535 since July 1, 2008, the average price of biodiesel and ethanol,  
1536 and a description of fleet performance.

1537       Section 28. School district biodiesel usage.--

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1538 (1) By January 1, 2010, a minimum of 20 percent of total  
1539 diesel fuel purchases for use by school districts shall be  
1540 biodiesel fuel (B20), subject to availability.

1541 (2) If a school district contracts with another government  
1542 entity or private entity to provide transportation services for  
1543 any of its pupils, the biodiesel blend fuel requirement  
1544 established pursuant to subsection (1) shall be part of that  
1545 contract. However, this requirement applies only to contracts  
1546 entered into on or after July 1, 2009.

1547 Section 29. Except as otherwise expressly provided in this  
1548 act and except for this section, which shall take effect upon  
1549 becoming a law, this act shall take effect July 1, 2008.