

1 A bill to be entitled
2 An act relating to energy; amending s. 74.051, F.S.;
3 requiring a court to conduct a hearing and issue a final
4 judgment on a petition for a taking within specified times
5 after a utility's request for such hearing; amending s.
6 110.171, F.S.; requiring each state agency to complete a
7 telecommuting program by a specified date which includes a
8 listing of the job classifications and positions that the
9 state agency considers appropriate for telecommuting;
10 providing requirements for the telecommuting program;
11 requiring each state agency to post the telecommuting
12 program on its Internet website; amending s. 186.007,
13 F.S.; authorizing the Executive Office of the Governor to
14 include in the state comprehensive plan goals, objectives,
15 and policies related to energy and global climate change;
16 amending s. 187.201, F.S.; expanding the air quality,
17 energy, and land use goals of the State Comprehensive Plan
18 to include the development of low-carbon-emitting electric
19 power plants, the reduction of atmospheric carbon dioxide,
20 the promotion of the use and development of renewable
21 energy resources, and provide for the siting of low carbon
22 emitting electric power plants, including nuclear plants;
23 amending ss. 196.012 and 196.175, F.S.; deleting outdated,
24 obsolete language; removing the expiration date of the
25 property tax exemption for real property on which a
26 renewable energy source device is installed and revising
27 the options for calculating the amount of the exemption;
28 amending s. 206.43, F.S.; requiring each terminal

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29 supplier, importer, blender, and wholesaler to provide in
30 a report to the Department of Revenue the number of
31 gallons of gasoline fuel meeting and not meeting the
32 required fuel standard; amending s. 212.08, F.S.; revising
33 the definition of "ethanol"; specifying eligible items as
34 limited to one refund; requiring a purchaser who receives
35 a refund to notify a subsequent purchaser of such refund;
36 requiring the Department of Environmental Protection to
37 adopt, by rule, an application form for claiming a tax
38 exemption; amending s. 220.192, F.S.; defining terms
39 related to a tax credit; allowing the tax credit to be
40 transferred for a specified period; providing procedures
41 and requirements; requiring the Department of Revenue to
42 adopt rules for implementation and administration of the
43 program; amending s. 220.193, F.S.; defining the terms
44 "sale" or "sold"; defining the term "taxpayer"; providing
45 for retroactivity; providing that the use of the renewable
46 energy production credit does not reduce the alternative
47 minimum tax credit; amending s. 253.02, F.S.; authorizing
48 the Board of Trustees of the Internal Improvement Trust
49 Fund to delegate authority to grant easements across lands
50 owned by the Board of Trustees of the Internal Improvement
51 Trust Fund to the Secretary of Environmental Protection
52 under certain conditions; amending s. 255.249, F.S.;
53 requiring state agencies to annually provide telecommuting
54 plans to the Department of Management Services; amending
55 s. 255.251, F.S.; creating the "Florida Energy
56 Conservation and Sustainable Buildings Act"; amending s.

57 | 255.252, F.S.; providing findings and legislative intent;
58 | providing that it is the policy of the state that
59 | buildings constructed and financed by the state be
60 | designed to meet the United States Green Building Council
61 | (USGBC) Leadership in Energy and Environmental Design
62 | (LEED) rating system, the Green Building Initiative's
63 | Green Globes rating system, the Florida Green Building
64 | Coalition standards, or a nationally recognized green
65 | building rating system as approved by the department;
66 | requiring each state agency occupying space owned or
67 | managed by the department to identify and compile a list
68 | of projects suitable for a guaranteed energy, water, and
69 | wastewater performance savings contract; amending s.
70 | 255.253, F.S.; defining terms relating to energy
71 | conservation for buildings; amending s. 255.254, F.S.;
72 | prohibiting a state agency from leasing or constructing a
73 | facility without having secured from the department a
74 | proper evaluation of life-cycle costs for the building;
75 | amending s. 255.255, F.S.; requiring the department to use
76 | sustainable building ratings for conducting a life-cycle
77 | cost analysis; amending s. 255.257, F.S.; requiring all
78 | state agencies to adopt an energy efficiency rating system
79 | as approved by the department for all new buildings and
80 | renovations to existing buildings; requiring all county,
81 | municipal, school district, water management district,
82 | state university, community college, and Florida state
83 | court buildings to meet certain energy efficiency
84 | standards for construction; providing applicability;

85 creating s. 286.29, F.S.; requiring the Department of
86 Management Services to develop the Florida Climate-
87 Friendly Preferred Products List; requiring state agencies
88 to consult the list and purchase products from the list if
89 the price is comparable; requiring state agencies to
90 contract for meeting and conference space with facilities
91 having the "Green Lodging" designation; authorizing the
92 Department of Environmental Protection to adopt rules;
93 requiring the department to establish voluntary technical
94 assistance programs for various businesses; requiring
95 state agencies, state universities, community colleges,
96 and local governments that purchase vehicles under a state
97 purchasing plan to maintain vehicles according to minimum
98 standards and follow certain procedures when procuring new
99 vehicles; requiring state agencies to use ethanol and
100 biodiesel-blended fuels when available; amending s.
101 287.063, F.S.; prohibiting the payment term for equipment
102 from exceeding the useful life of the equipment unless the
103 contract provides for the replacement or the extension of
104 the useful life of the equipment during the term of the
105 loan; amending s. 287.064, F.S.; authorizing an extension
106 of the master equipment financing agreement for energy
107 conservation equipment; requiring the guaranteed energy,
108 water, and wastewater savings contractor to provide for
109 the replacement or the extension of the useful life of the
110 energy conservation equipment during the term of the
111 contract; amending s. 316.0741, F.S.; requiring all hybrid
112 and other low-emission and energy-efficient vehicles that

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113 do not meet the minimum occupancy requirement and are
114 driven in a high-occupancy-vehicle lane to comply with
115 federally mandated minimum fuel economy standards;
116 authorizing specified vehicles to use certain high-
117 occupancy-vehicle lanes without payment of tolls; amending
118 s. 337.401, F.S.; requiring the Department of
119 Environmental Protection to adopt rules relating to the
120 placement of and access to aerial and underground electric
121 transmission lines having certain specifications; defining
122 the term "base-load generating facilities"; amending s.
123 339.175, F.S.; requiring each metropolitan planning
124 organization to develop a long-range transportation plan
125 and an annual project priority list that, among other
126 considerations, provide for sustainable growth and reduce
127 greenhouse gas emissions; amending s. 350.01, F.S.;
128 conforming the beginning of a Public Service Commission
129 member's term as chair with the beginning of terms of
130 commissioners; correcting cross-references; amending s.
131 350.012, F.S.; renaming the Committee on Public Service
132 Commission Oversight, a standing joint committee of the
133 Legislature, as the "Committee on Public Counsel
134 Oversight"; deleting the committee's authority to
135 recommend to the Governor nominees to fill vacancies on
136 the Public Service Commission; deleting the committee's
137 authority to file an ethics complaint against a member,
138 former member, or former employee of the commission or a
139 member of the Public Service Commission Nominating
140 Council; amending s. 350.03, F.S.; clarifying the power of

141 the Governor to remove and fill commission vacancies as
142 set forth in the State Constitution; amending s. 350.031,
143 F.S.; increasing the number of members on the council;
144 requiring the President of the Senate and the Speaker of
145 the House of Representatives to appoint a chair and vice
146 chair to the council in alternating years; removing
147 spending authority for the council to advertise vacancies;
148 requiring the council to submit recommendations for
149 vacancies on the Public Service Commission to the
150 Governor; requiring the council to nominate a minimum of
151 three persons for each vacancy; revising the date that
152 recommendations for vacancies must be submitted; providing
153 that a successor Governor may remove an appointee only as
154 provided; providing for the council to fill a vacancy on
155 the commission if the Governor fails to do so; authorizing
156 a successor governor to recall an unconfirmed appointee
157 under certain circumstances; amending ss. 350.061 and
158 350.0614, F.S., relating to the appointment, oversight,
159 and compensation of the Public Counsel; conforming
160 provisions to changes made by the act; amending s. 366.04,
161 F.S.; requiring an affected municipal electric utility to
162 conduct a referendum election of all its retail electric
163 customers to determine whether to require the creation of
164 an electric utility authority; amending s. 366.81, F.S.;
165 providing legislative intent; amending s. 366.82, F.S.;
166 requiring the Public Service Commission to adopt goals for
167 increasing the development of demand-side renewable energy
168 systems energy resources; providing for cost-effectiveness

169 tests; requiring the Florida Energy and Climate Commission
170 to be a party in the proceedings to adopt goals; providing
171 for an appropriations; providing for cost recovery;
172 authorizing the commission to provide financial rewards
173 and penalties; amending s. 366.8255, F.S.; redefining the
174 term "environmental compliance costs" to include costs or
175 expenses prudently incurred for scientific research and
176 geological assessments of carbon capture and storage for
177 the purpose of reducing an electric utility's greenhouse
178 gas emissions; amending s. 366.91, F.S.; clarifying the
179 definition of "biomass" to include waste and byproducts;
180 requiring each public utility, and each municipal electric
181 utility and rural electric utility cooperative that sells
182 electricity at retail, to develop a standardized
183 interconnection and net metering program for customer-
184 owned renewable generation; authorizing net metering to be
185 available when a utility purchases power generated from
186 biogas produced by anaerobic digestion; amending s.
187 366.92, F.S.; establishing a renewable portfolio standard;
188 providing for an economic and environmental assessment of
189 energy sources and the development of a successor
190 renewable portfolio standard; prohibiting the renewable
191 portfolio standard rule from taking effect until ratified
192 by the Legislature; amending s. 366.93, F.S.; revising the
193 definitions of "cost" and "preconstruction"; requiring the
194 Public Service Commission to establish rules relating to
195 cost recovery for the construction of new, expanded, or
196 relocated electrical transmission lines and facilities for

197 a nuclear power plant; amending s. 377.601, F.S.; revising
198 legislative intent with respect to the need to implement
199 alternative energy technologies; providing for the type
200 two transfer of the Florida Energy Commission in the
201 Department of Environmental Protection to the Florida
202 Energy and Climate Commission in the Executive Office of
203 the Governor; creating s. 377.6015, F.S.; providing for
204 the membership, meetings, duties, and responsibilities of
205 the Florida Energy and Climate Commission; providing
206 rulemaking authority; amending s. 377.602, F.S.; revising
207 the definition of "energy resources"; providing for
208 conforming changes; providing for the type two transfer of
209 the state energy program in the Department of
210 Environmental Protection to the Florida Energy and Climate
211 Commission in the Executive Office of the Governor;
212 amending ss. 377.603, 377.604, 377.605, 377.606, 377.608,
213 377.703, and 377.705, F.S.; providing for conforming
214 changes; amending s. 377.801, F.S.; providing a short
215 title; amending s. 377.802, F.S.; providing the purpose of
216 the Florida Energy and Climate Protection Act; amending s.
217 377.803, F.S.; revising definitions; clarifying the
218 definition of "renewable energy" to include biomass, as
219 defined in s. 366.91, F.S.; amending s. 377.804, F.S.,
220 relating to the Renewable Energy and Energy-Efficient
221 Technologies Grants Program; providing for the program to
222 include matching grants for technologies that increase the
223 energy efficiency of vehicles and commercial buildings;
224 providing for the solicitation of expertise of other

225 entities; providing application requirements; amending s.
226 377.806, F.S., relating to the Solar Energy System
227 Incentives Program; requiring compliance with the Florida
228 Building Code rather than local codes in order to be
229 eligible for a rebate under the program; creating s.
230 377.808, F.S.; establishing the "Florida Green Government
231 Grants Act"; providing for grants to be awarded to local
232 governments in the development of programs that achieve
233 green standards; amending ss. 380.23 and 403.031, F.S.;
234 conforming cross-references; creating s. 403.44, F.S.;
235 creating the Florida Climate Protection Act; defining
236 terms; requiring the Department of Environmental
237 Protection to establish the methodologies, reporting
238 periods, and reporting systems that must be used when
239 major emitters report to The Climate Registry; authorizing
240 the department to adopt rules for a cap-and-trade
241 regulatory program to reduce greenhouse gas emissions from
242 major emitters; providing for the content of the rule;
243 prohibiting the rules from being adopted until after
244 January 1, 2010, and from becoming effective until
245 ratified by the Legislature; amending s. 403.502, F.S.;
246 providing legislative intent; amending s. 403.503, F.S.;
247 defining the term "alternate corridor" and redefining the
248 term "corridor" for purposes of the Florida Electrical
249 Power Plant Siting Act; amending s. 403.504, F.S.;
250 requiring the Department of Environmental Protection to
251 determine whether a proposed alternate corridor is
252 acceptable; amending s. 403.506, F.S.; exempting an

253 electric utility from obtaining certification under the
254 Florida Electrical Power Plant Siting Act before
255 constructing facilities for a power plant using nuclear
256 materials as fuel; providing that a utility may obtain
257 separate licenses, permits, and approvals for such
258 construction under certain circumstances; exempting such
259 provisions from review under ch. 120, F.S.; amending s.
260 403.5064, F.S.; requiring an applicant to submit a
261 statement to the department if such applicant opts for
262 consideration of alternate corridors; amending s.
263 403.5065, F.S.; providing for conforming changes; amending
264 s. 403.50663, F.S.; providing for notice of meeting to the
265 general public; amending s. 403.50665, F.S.; requiring an
266 application to include a statement on the consistency of
267 directly associated facilities constituting a
268 "development"; requiring the Department of Environmental
269 Protection to address at the certification hearing the
270 issue of compliance with land use plans and zoning
271 ordinances for a proposed substation located in or along
272 an alternate corridor; amending s. 403.507, F.S.;
273 providing for reports to be submitted to the department no
274 later than 100 days after certification application has
275 been determined complete; amending s. 403.508, F.S.;
276 providing for land use and certification hearings;
277 amending s. 403.509, F.S.; requiring the Governor and
278 Cabinet sitting as the siting board to certify the
279 corridor having the least adverse impact; authorizing the
280 board to deny certification or allow a party to amend its

281 | proposal; amending s. 403.511, F.S.; providing for
282 | conforming changes; amending s. 403.5112, F.S.; providing
283 | for filing of notice; amending s. 403.5113, F.S.;
284 | providing for postcertification amendments and
285 | postcertification review; amending s. 403.5115, F.S.;
286 | requiring the applicant proposing the alternate corridor
287 | to publish all notices relating to the application;
288 | requiring that such notices comply with certain
289 | requirements; requiring that notices be published at least
290 | 45 days before the rescheduled certification hearing;
291 | amending ss. 403.516, 403.517, and 403.5175, F.S.;
292 | providing conforming changes and cross-references;
293 | amending s. 403.518, F.S.; authorizing the Department of
294 | Environmental Protection to charge an application fee for
295 | an alternate corridor; amending ss. 403.519, 403.5252,
296 | 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363,
297 | 403.5365, and 403.814, F.S., relating to determinations of
298 | need and general permits; conforming provisions to changes
299 | made by the act; amending s. 489.145, F.S.; revising
300 | provisions of the Guaranteed Energy, Water, and Wastewater
301 | Performance Savings Contracting Act; requiring that each
302 | proposed contract or lease contain certain agreements
303 | concerning operational cost-saving measures; requiring the
304 | Office of the Chief Financial Officer to review contract
305 | proposals; redefining terms; requiring that certain
306 | baseline information, supporting information, and
307 | documentation be included in contracts; requiring the
308 | Office of the Chief Financial Officer to review contract

309 proposals; providing audit requirements; requiring
310 contract approval by the Chief Financial Officer; creating
311 s. 526.201, F.S.; creating the "Florida Renewable Fuel
312 Standard Act"; creating s. 526.202, F.S.; establishing
313 legislative findings for the act; creating s. 526.203,
314 F.S.; providing definitions, fuel standard, exemptions,
315 and reporting; creating s. 526.204, F.S.; providing for
316 suspension of standard requirement during declared
317 emergencies; creating s. 526.205, F.S.; providing for
318 enforcement of the act; creating s. 526.206, F.S.;
319 providing for rulemaking authority by the Department of
320 Revenue and the Department of Agriculture and Consumer
321 Services; creating s. 526.207, F.S.; requiring studies and
322 reports by the Florida Energy and Climate Commission;
323 amending s. 553.73, F.S.; requiring that the Florida
324 Building Commission select the most recent International
325 Energy Conservation Code as a foundation code; providing
326 for modification of the International Energy Conservation
327 Code by the commission under certain circumstances;
328 creating s. 553.9061, F.S.; requiring the Florida Building
329 Commission to establish a schedule of increases in the
330 energy performance of buildings subject to the Florida
331 Energy Efficiency Code for Building Construction; amending
332 s. 553.909, F.S.; requiring the Florida Energy Efficiency
333 Code for Building Construction to set minimum requirements
334 for certain commercial or residential appliances; amending
335 s. 553.957, F.S.; including certain home and commercial
336 appliances in the requirements for testing and

337 certification for meeting certain energy-conservation
 338 standards; creating an undesignated statutory provision
 339 relating to the Agency for Enterprise Information
 340 Technology; creating s. 1004.648, F.S.; establishing the
 341 Florida Energy Systems Consortium; providing for a
 342 steering committee; requiring an annual report; requiring
 343 an economic impact analysis on the effects of granting
 344 financial incentives to energy producers who use woody
 345 biomass as fuel; repealing s. 377.701, F.S., relating to
 346 petroleum allocation; repealing s. 377.901, F.S., relating
 347 to the Florida Energy Commission; repealing ss. 553.951,
 348 553.953, 553.954, 553.955, 553.957, 553.959, 553.961,
 349 553.963, 553.968, 553.969, 553.971, 553.973, and 553.975,
 350 F.S., relating to the Florida Energy Conservation
 351 Standards Act; providing effective dates.

352
 353 Be It Enacted by the Legislature of the State of Florida:

354
 355 Section 1. Subsection (3) of section 74.051, Florida
 356 Statutes, is renumbered as subsection (4), and a new subsection
 357 (3) is added to that section to read:

358 74.051 Hearing on order of taking.--

359 (3) If a defendant requests a hearing pursuant to s.
 360 74.041(3) and the petitioner is an electric utility seeking to
 361 appropriate property necessary for an electric generation plant,
 362 an associated facility of an electric generation plant, an
 363 electric substation, or a power line, the court shall conduct
 364 the hearing within 120 days after the date the petition is

365 filed. The court shall issue its order of taking no more than 30
 366 days after the conclusion of the hearing.

367 Section 2. Subsection (3) of section 110.171, Florida
 368 Statutes, is amended, and subsection (4) is added to that
 369 section, to read:

370 110.171 State employee telecommuting program.--

371 (3) By September 30, 2009 ~~October 1, 1994~~, each state
 372 agency shall identify and maintain a current listing of the job
 373 classifications and positions that the agency considers
 374 appropriate for telecommuting. Agencies that adopt a state
 375 employee telecommuting program must:

376 (a) Give equal consideration to career service and exempt
 377 positions in their selection of employees to participate in the
 378 telecommuting program.

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

382 (c) Provide that participation by an employee in a
 383 telecommuting program is voluntary, and that the employee may
 384 elect to cease to participate in a telecommuting program at any
 385 time.

386 (d) Adopt provisions to allow for the termination of an
 387 employee's participation in the program if the employee's
 388 continued participation would not be in the best interests of
 389 the agency.

390 (e) Provide that an employee is not currently under a
 391 performance improvement plan in order to participate in the
 392 program.

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393 (f) Ensure that employees participating in the program are
394 subject to the same rules regarding attendance, leave,
395 performance reviews, and separation action as are other
396 employees.

397 (g) Establish the reasonable conditions that the agency
398 plans to impose in order to ensure the appropriate use and
399 maintenance of any equipment or items provided for use at a
400 participating employee's home or other place apart from the
401 employee's usual place of work, including the installation and
402 maintenance of any telephone equipment and ongoing
403 communications costs at the telecommuting site which is to be
404 used for official use only.

405 (h) Prohibit state maintenance of an employee's personal
406 equipment used in telecommuting, including any liability for
407 personal equipment and costs for personal utility expenses
408 associated with telecommuting.

409 (i) Describe the security controls that the agency
410 considers appropriate.

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

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

416 (l) Require a written agreement that specifies the terms
417 and conditions of telecommuting, which includes verification by
418 the employee that the home office provides work space that is
419 free of safety and fire hazards, together with an agreement
420 which holds the state harmless against any and all claims,

421 excluding workers' compensation claims, resulting from an
 422 employee working in the home office, and which must be signed
 423 and agreed to by the telecommuter and the supervisor.

424 (m) Provide measureable financial benefits associated with
 425 reduced office space requirements, reductions in energy
 426 consumption, and reductions in associated emissions of
 427 greenhouse gases resulting from telecommuting. State agencies
 428 operating in office space owned or managed by the department
 429 shall consult the facilities program to ensure its consistency
 430 with the strategic leasing plan required under s. 255.249(3)(b).

431 (4) The telecommuting program for each state agency and
 432 pertinent supporting documents shall be posted on the agency's
 433 Internet website to allow access by employees and the public.

434 Section 3. Subsection (3) of section 186.007, Florida
 435 Statutes, is amended to read:

436 186.007 State comprehensive plan; preparation; revision.--

437 (3) In the state comprehensive plan, the Executive Office
 438 of the Governor may include goals, objectives, and policies
 439 related to the following program areas: economic opportunities;
 440 agriculture; employment; public safety; education; health
 441 concerns; social welfare concerns; housing and community
 442 development; natural resources and environmental management;
 443 energy; global climate change; recreational and cultural
 444 opportunities; historic preservation; transportation; and
 445 governmental direction and support services.

446 Section 4. Subsections (10), (11), and (15) of section
 447 187.201, Florida Statutes, are amended to read:

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448 187.201 State Comprehensive Plan adopted.--The Legislature
 449 hereby adopts as the State Comprehensive Plan the following
 450 specific goals and policies:

451 (10) AIR QUALITY.--

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

455 (b) Policies.--

456 1. Improve air quality and maintain the improved level to
 457 safeguard human health and prevent damage to the natural
 458 environment.

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

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

463 4. Encourage the use of alternative energy resources that
 464 do not degrade air quality.

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

467 6. Encourage the development of low-carbon-emitting
 468 electric power plants.

469 (11) ENERGY.--

470 (a) Goal.--Florida shall reduce its energy requirements
 471 through enhanced conservation and efficiency measures in all
 472 end-use sectors and shall reduce atmospheric carbon dioxide by
 473 ~~while at the same time~~ promoting an increased use of renewable
 474 energy resources and low-carbon-emitting electric power plants.

475 (b) Policies.--

- 476 | 1. Continue to reduce per capita energy consumption.
- 477 | 2. Encourage and provide incentives for consumer and
- 478 | producer energy conservation and establish acceptable energy
- 479 | performance standards for buildings and energy consuming items.
- 480 | 3. Improve the efficiency of traffic flow on existing
- 481 | roads.
- 482 | 4. Ensure energy efficiency in transportation design and
- 483 | planning and increase the availability of more efficient modes
- 484 | of transportation.
- 485 | 5. Reduce the need for new power plants by encouraging
- 486 | end-use efficiency, reducing peak demand, and using cost-
- 487 | effective alternatives.
- 488 | 6. Increase the efficient use of energy in design and
- 489 | operation of buildings, public utility systems, and other
- 490 | infrastructure and related equipment.
- 491 | 7. Promote the development and application of solar energy
- 492 | technologies and passive solar design techniques.
- 493 | 8. Provide information on energy conservation through
- 494 | active media campaigns.
- 495 | 9. Promote the use and development of renewable energy
- 496 | resources and low-carbon-emitting electric power plants.
- 497 | 10. Develop and maintain energy preparedness plans that
- 498 | will be both practical and effective under circumstances of
- 499 | disrupted energy supplies or unexpected price surges.
- 500 | (15) LAND USE.--
- 501 | (a) Goal.--In recognition of the importance of preserving
- 502 | the natural resources and enhancing the quality of life of the
- 503 | state, development shall be directed to those areas which have

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504 in place, or have agreements to provide, the land and water
505 resources, fiscal abilities, and service capacity to accommodate
506 growth in an environmentally acceptable manner.

507 (b) Policies.--

508 1. Promote state programs, investments, and development
509 and redevelopment activities which encourage efficient
510 development and occur in areas which will have the capacity to
511 service new population and commerce.

512 2. Develop a system of incentives and disincentives which
513 encourages a separation of urban and rural land uses while
514 protecting water supplies, resource development, and fish and
515 wildlife habitats.

516 3. Enhance the livability and character of urban areas
517 through the encouragement of an attractive and functional mix of
518 living, working, shopping, and recreational activities.

519 4. Develop a system of intergovernmental negotiation for
520 siting locally unpopular public and private land uses which
521 considers the area of population served, the impact on land
522 development patterns or important natural resources, and the
523 cost-effectiveness of service delivery.

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

527 6. Consider, in land use planning and regulation, the
528 impact of land use on water quality and quantity; the
529 availability of land, water, and other natural resources to meet
530 demands; and the potential for flooding.

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

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

536 Section 5. Subsection (14) of section 196.012, Florida
537 Statutes, is amended to read:

538 196.012 Definitions.--For the purpose of this chapter, the
539 following terms are defined as follows, except where the context
540 clearly indicates otherwise:

541 (14) "Renewable energy source device" or "device" means
542 any of the following equipment which, when installed in
543 connection with a dwelling unit or other structure, collects,
544 transmits, stores, or uses solar energy, wind energy, or energy
545 derived from geothermal deposits:

546 (a) Solar energy collectors.

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

549 (c) Rockbeds.

550 (d) Thermostats and other control devices.

551 (e) Heat exchange devices.

552 (f) Pumps and fans.

553 (g) Roof ponds.

554 (h) Freestanding thermal containers.

555 (i) Pipes, ducts, refrigerant handling systems, and other
556 equipment used to interconnect such systems; however,
557 conventional backup systems of any type are not included in this
558 definition.

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- 559 (j) Windmills.
- 560 (k) Wind-driven generators.
- 561 (l) Power conditioning and storage devices that use wind
- 562 energy to generate electricity or mechanical forms of energy.
- 563 (m) Pipes and other equipment used to transmit hot
- 564 geothermal water to a dwelling or structure from a geothermal
- 565 deposit.

566

567 ~~"Renewable energy source device" or "device" also means any heat~~

568 ~~pump with an energy efficiency ratio (EER) or a seasonal energy~~

569 ~~efficiency ratio (SEER) exceeding 8.5 and a coefficient of~~

570 ~~performance (COP), exceeding 2.8; waste heat recovery system; or~~

571 ~~water heating system the primary heat source of which is a~~

572 ~~dedicated heat pump or the otherwise unused capacity of a heat~~

573 ~~pump heating, ventilating, and air conditioning system, provided~~

574 ~~such device is installed in a structure substantially complete~~

575 ~~before January 1, 1985, and whether or not solar energy, wind~~

576 ~~energy, or energy derived from geothermal deposits is collected,~~

577 ~~transmitted, stored, or used by such device.~~

578 Section 6. Section 196.175, Florida Statutes, is amended

579 to read:

580 196.175 Renewable energy source exemption.--

581 (1) Improved real property upon which a renewable energy

582 source device is installed and operated shall be entitled to an

583 exemption in the amount of ~~not greater than the lesser of:~~

584 ~~(a) The assessed value of such real property less any~~

585 ~~other exemptions applicable under this chapter;~~

586 ~~(b)~~ the original cost of the device, including the
 587 installation cost thereof, but excluding the cost of replacing
 588 previously existing property removed or improved in the course
 589 of such installation; ~~or~~

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

592 (2) The exempt amount authorized under subsection (1)
 593 shall apply in full if the device was installed and operative
 594 throughout the 12-month period preceding January 1 of the year
 595 of application for this exemption. If the device was operative
 596 for a portion of that period, the exempt amount authorized under
 597 this section shall be reduced proportionally.

598 (3) It shall be the responsibility of the applicant for an
 599 exemption pursuant to this section to demonstrate affirmatively
 600 to the satisfaction of the property appraiser that he or she
 601 meets the requirements for exemption under this section and that
 602 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
 603 for which the device was operative, as indicated on the
 604 exemption application, are correct.

605 (4) No exemption authorized pursuant to this section shall
 606 be granted for a period of more than 10 years. No exemption
 607 shall be granted with respect to renewable energy source devices
 608 installed before January 1, 2009 ~~1980, or after December 31,~~
 609 ~~1990.~~

610 Section 7. Subsection (2) of section 206.43, Florida
 611 Statutes, is amended to read:

612 206.43 Terminal supplier, importer, exporter, blender, and
 613 wholesaler to report to department monthly; deduction.--The

614 taxes levied and assessed as provided in this part shall be paid
 615 to the department monthly in the following manner:

616 (2) (a) Such report may show in detail the number of
 617 gallons so sold and delivered by the terminal supplier,
 618 importer, exporter, blender, or wholesaler in the state, and the
 619 destination as to the county in the state to which the motor
 620 fuel was delivered for resale at retail or use shall be
 621 specified in the report. The total taxable gallons sold shall
 622 agree with the total gallons reported to the county destinations
 623 for resale at retail or use. All gallons of motor fuel sold
 624 shall be invoiced and shall name the county of destination for
 625 resale at retail or use.

626 (b) Each terminal supplier, importer, blender, and
 627 wholesaler shall also include in the report to the department
 628 the number of gallons of gasoline fuel meeting and not meeting
 629 the requirements of s. 526.203.

630 Section 8. Paragraph (ccc) of subsection (7) of section
 631 212.08, Florida Statutes, is amended to read:

632 212.08 Sales, rental, use, consumption, distribution, and
 633 storage tax; specified exemptions.--The sale at retail, the
 634 rental, the use, the consumption, the distribution, and the
 635 storage to be used or consumed in this state of the following
 636 are hereby specifically exempt from the tax imposed by this
 637 chapter.

638 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 639 entity by this chapter do not inure to any transaction that is
 640 otherwise taxable under this chapter when payment is made by a
 641 representative or employee of the entity by any means,

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642 including, but not limited to, cash, check, or credit card, even
643 when that representative or employee is subsequently reimbursed
644 by the entity. In addition, exemptions provided to any entity by
645 this subsection do not inure to any transaction that is
646 otherwise taxable under this chapter unless the entity has
647 obtained a sales tax exemption certificate from the department
648 or the entity obtains or provides other documentation as
649 required by the department. Eligible purchases or leases made
650 with such a certificate must be in strict compliance with this
651 subsection and departmental rules, and any person who makes an
652 exempt purchase with a certificate that is not in strict
653 compliance with this subsection and the rules is liable for and
654 shall pay the tax. The department may adopt rules to administer
655 this subsection.

656 (ccc) Equipment, machinery, and other materials for
657 renewable energy technologies.--

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

659 a. "Biodiesel" means the mono-alkyl esters of long-chain
660 fatty acids derived from plant or animal matter for use as a
661 source of energy and meeting the specifications for biodiesel
662 and biodiesel blends with petroleum products as adopted by the
663 Department of Agriculture and Consumer Services. Biodiesel may
664 refer to biodiesel blends designated BXX, where XX represents
665 the volume percentage of biodiesel fuel in the blend.

666 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
667 alcohol produced by the conversion of carbohydrates ~~fermentation~~
668 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
669 fuel ethanol blends with petroleum products as adopted by the

670 Department of Agriculture and Consumer Services. Ethanol may
 671 refer to fuel ethanol blends designated EXX, where XX represents
 672 the volume percentage of fuel ethanol in the blend.

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

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

678 a. Hydrogen-powered vehicles, materials incorporated into
 679 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 680 a limit of \$2 million in tax each state fiscal year for all
 681 taxpayers.

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

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

691 3. The Department of Environmental Protection shall
 692 provide to the department a list of items eligible for the
 693 exemption provided in this paragraph.

694 4.a. The exemption provided in this paragraph shall be
 695 available to a purchaser only through a refund of previously
 696 paid taxes. Only the initial purchase of an eligible item from
 697 the manufacturer is subject to refund. A purchaser who has

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698 received a refund on an eligible item must notify any subsequent
699 purchaser of the item that the item is no longer eligible for a
700 refund of tax paid. This notification must be provided to the
701 subsequent purchaser on the sales invoice or other proof of
702 purchase.

703 b. To be eligible to receive the exemption provided in
704 this paragraph, a purchaser shall file an application with the
705 Department of Environmental Protection. The application shall be
706 developed by the Department of Environmental Protection, in
707 consultation with the department, and shall require:

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

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

713 (III) The sales invoice or other proof of purchase showing
714 the amount of sales tax paid, the date of purchase, and the name
715 and address of the sales tax dealer from whom the property was
716 purchased.

717 (IV) A sworn statement that the information provided is
718 accurate and that the requirements of this paragraph have been
719 met.

720 c. Within 30 days after receipt of an application, the
721 Department of Environmental Protection shall review the
722 application and shall notify the applicant of any deficiencies.
723 Upon receipt of a completed application, the Department of
724 Environmental Protection shall evaluate the application for
725 exemption and issue a written certification that the applicant

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726 is eligible for a refund or issue a written denial of such
727 certification within 60 days after receipt of the application.
728 The Department of Environmental Protection shall provide the
729 department with a copy of each certification issued upon
730 approval of an application.

731 d. Each certified applicant shall be responsible for
732 forwarding a certified copy of the application and copies of all
733 required documentation to the department within 6 months after
734 certification by the Department of Environmental Protection.

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

739 f. The Department of Environmental Protection may adopt
740 the form for the application for a certificate, requirements for
741 the content and format of information submitted to the
742 Department of Environmental Protection in support of the
743 application, other procedural requirements, and criteria by
744 which the application will be determined by rule. The department
745 may adopt all other rules pursuant to ss. 120.536(1) and 120.54
746 to administer this paragraph, including rules establishing
747 additional forms and procedures for claiming this exemption.

748 g. The Department of Environmental Protection shall be
749 responsible for ensuring that the total amounts of the
750 exemptions authorized do not exceed the limits as specified in
751 subparagraph 2.

752 5. The Department of Environmental Protection shall
 753 determine and publish on a regular basis the amount of sales tax
 754 funds remaining in each fiscal year.

755 6. This paragraph expires July 1, 2010.

756 Section 9. Present subsections (1), (6), and (7) of
 757 section 220.192, Florida Statutes, are amended, and a new
 758 subsection (6) is added to that section, to read:

759 220.192 Renewable energy technologies investment tax
 760 credit.--

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

762 (a) "Biodiesel" means biodiesel as defined in s.
 763 212.08(7)(ccc).

764 (b) "Corporation" includes a general partnership, limited
 765 partnership, limited liability company, unincorporated business,
 766 or other business entity, including entities taxed as
 767 partnerships for federal income tax purposes.

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

769 1. Seventy-five percent of all capital costs, operation
 770 and maintenance costs, and research and development costs
 771 incurred between July 1, 2006, and June 30, 2010, up to a limit
 772 of \$3 million per state fiscal year for all taxpayers, in
 773 connection with an investment in hydrogen-powered vehicles and
 774 hydrogen vehicle fueling stations in the state, including, but
 775 not limited to, the costs of constructing, installing, and
 776 equipping such technologies in the state.

777 2. Seventy-five percent of all capital costs, operation
 778 and maintenance costs, and research and development costs
 779 incurred between July 1, 2006, and June 30, 2010, up to a limit

780 of \$1.5 million per state fiscal year for all taxpayers, and
 781 limited to a maximum of \$12,000 per fuel cell, in connection
 782 with an investment in commercial stationary hydrogen fuel cells
 783 in the state, including, but not limited to, the costs of
 784 constructing, installing, and equipping such technologies in the
 785 state.

786 3. Seventy-five percent of all capital costs, operation
 787 and maintenance costs, and research and development costs
 788 incurred between July 1, 2006, and June 30, 2010, up to a limit
 789 of \$6.5 million per state fiscal year for all taxpayers, in
 790 connection with an investment in the production, storage, and
 791 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
 792 the state, including the costs of constructing, installing, and
 793 equipping such technologies in the state. Gasoline fueling
 794 station pump retrofits for ethanol (E10-E100) distribution
 795 qualify as an eligible cost under this subparagraph.

796 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
 797 212.08(7)(ccc).

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

800 (f) "Taxpayer" includes a corporation as defined in
 801 paragraph (b) or s. 220.03.

802 (6) TRANSFERABILITY OF CREDIT.--

803 (a) For tax years beginning on or after January 1, 2009,
 804 any corporation or subsequent transferee allowed a tax credit
 805 under this section may transfer the credit, in whole or in part,
 806 to any taxpayer by written agreement without transferring any
 807 ownership interest in the property generating the credit or any

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808 interest in the entity owning such property. The transferee is
809 entitled to apply the credits against the tax with the same
810 effect as if the transferee had incurred the eligible costs.

811 (b) To perfect the transfer, the transferor shall provide
812 the department with a written transfer statement notifying the
813 department of the transferor's intent to transfer the tax
814 credits to the transferee; the date the transfer is effective;
815 the transferee's name, address, and federal taxpayer
816 identification number; the tax period; and the amount of tax
817 credits to be transferred. The department shall, upon receipt of
818 a transfer statement conforming to the requirements of this
819 section, provide the transferee with a certificate reflecting
820 the tax credit amounts transferred. A copy of the certificate
821 must be attached to each tax return for which the transferee
822 seeks to apply such tax credits.

823 (c) A tax credit authorized under this section that is
824 held by a corporation and not transferred under this subsection
825 shall be passed through to the taxpayers designated as partners,
826 members, or owners, respectively, in the manner agreed to by
827 such persons regardless of whether such partners, members, or
828 owners are allocated or allowed any portion of the federal
829 energy tax credit for the eligible costs. A corporation that
830 passes the credit through to a partner, member, or owner must
831 comply with the notification requirements described in paragraph
832 (b). The partner, member, or owner must attach a copy of the
833 certificate to each tax return on which the partner, member, or
834 owner claims any portion of the credit.

835 ~~(7)(6)~~ RULES.--The Department of Revenue shall have the
 836 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 837 to administer this section, including rules relating to:

838 (a) The forms required to claim a tax credit under this
 839 section, the requirements and basis for establishing an
 840 entitlement to a credit, and the examination and audit
 841 procedures required to administer this section.

842 (b) The implementation and administration of the
 843 provisions allowing a transfer of a tax credit, including rules
 844 prescribing forms, reporting requirements, and specific
 845 procedures, guidelines, and requirements necessary to transfer a
 846 tax credit.

847 ~~(8)(7)~~ PUBLICATION.--The Department of Environmental
 848 Protection shall determine and publish on a regular basis the
 849 amount of available tax credits remaining in each fiscal year.

850 Section 10. Paragraphs (f) and (g) are added to subsection
 851 (2) and paragraphs (j) and (k) are added to subsection (3) of
 852 section 220.193, Florida Statutes, to read:

853 220.193 Florida renewable energy production credit.--

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

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

858 (g) "Taxpayer" includes a general partnership, limited
 859 partnership, limited liability company, trust, or other
 860 artificial entity in which a corporation, as defined in s.
 861 220.03(1)(e), owns an interest and is taxed as a partnership or

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862 is disregarded as a separate entity from the corporation under
863 this chapter.

864 (3) An annual credit against the tax imposed by this
865 section shall be allowed to a taxpayer, based on the taxpayer's
866 production and sale of electricity from a new or expanded
867 Florida renewable energy facility. For a new facility, the
868 credit shall be based on the taxpayer's sale of the facility's
869 entire electrical production. For an expanded facility, the
870 credit shall be based on the increases in the facility's
871 electrical production that are achieved after May 1, 2006.

872 (j) When an entity treated as a partnership or a
873 disregarded entity under this chapter produces and sells
874 electricity from a new or expanded renewable energy facility,
875 the credit earned by such entity shall pass through in the same
876 manner as items of income and expense pass through for federal
877 income tax purposes. When an entity applies for the credit and
878 the entity has received the credit by a pass-through, the
879 application must identify the taxpayer that passed the credit
880 through, all taxpayers that received the credit, and the
881 percentage of the credit that passes through to each recipient
882 and must provide other information that the department requires.

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

886 Section 11. It is the intent of the Legislature that the
887 amendments made by this act to s. 220.193, Florida Statutes, are
888 remedial in nature and apply retroactively to the effective date
889 of the law establishing the credit.

890 Section 12. Subsection (2) of section 253.02, Florida
 891 Statutes, is amended to read:

892 253.02 Board of trustees; powers and duties.--

893 (2) (a) The board of trustees shall not sell, transfer, or
 894 otherwise dispose of any lands the title to which is vested in
 895 the board of trustees except by vote of at least three of the
 896 four trustees.

897 (b) The authority of the board of trustees to grant
 898 easements for rights-of-way over, across, and upon uplands the
 899 title to which is vested in the board of trustees for the
 900 construction and operation of electric transmission and
 901 distribution facilities and related appurtenances is hereby
 902 confirmed. The board of trustees may delegate to the Secretary
 903 of Environmental Protection the authority to grant such
 904 easements on its behalf. All easements for rights-of-way over,
 905 across, and upon uplands the title to which is vested in the
 906 board of trustees for the construction and operation of electric
 907 transmission and distribution facilities and related
 908 appurtenances shall meet the following criteria:

909 1. Such easements do not prevent the use of the state-
 910 owned uplands adjacent to the easement area for the purposes for
 911 which such lands were acquired and do not unreasonably diminish
 912 the ecological, conservation, or recreational values of the
 913 state-owned uplands adjacent to the easement area.

914 2. There is no practical and prudent alternative to
 915 locating the linear facility and related appurtenances on state-
 916 owned upland. For purposes of this subparagraph, the test of
 917 practicality and prudence shall compare the social, economic,

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918 and environmental effects of the alternatives.

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

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

923 b. Avoiding significant wildlife habitat, wetlands, or
924 other valuable natural resources to the maximum extent
925 practicable; or

926 c. Avoiding interference with active land management
927 practices, such as prescribed burning.

928 4. Except for easements granted as a part of a land
929 exchange initiated by a governmental entity to accomplish a
930 recreational or conservation benefit or other public purpose, in
931 exchange for such easements, the grantee pays an amount equal to
932 the market value of the interest acquired. In addition, for the
933 initial grant of such easements only, the grantee shall provide
934 additional compensation by vesting in the board of trustees fee
935 simple title to other available uplands that are 1.5 times the
936 size of the easement acquired by the grantee. The grantor shall
937 approve the property to be acquired on its behalf based on the
938 geographic location in relation to the land proposed to be under
939 easement and a determination that economic, ecological, and
940 recreational value is at least equivalent to the value of the
941 lands under proposed easement. Priority for replacement uplands
942 shall be given to parcels identified as in-holdings and
943 additions to public lands and lands on a Florida Forever land
944 acquisition list. However, if suitable replacement uplands
945 cannot be identified, the grantee shall provide additional

946 compensation for the initial grant of such easements only by
 947 paying to the department an amount equal to 2 times the current
 948 market value of the state-owned land or the highest and best use
 949 value at the time of purchase, whichever is greater. When
 950 determining the use of such funds, priority shall be given to
 951 parcels identified as in-holdings and additions to public lands
 952 and lands on a Florida Forever land acquisition list.

953 Section 13. Paragraph (d) of subsection (3) of section
 954 255.249, Florida Statutes, is amended to read:

955 255.249 Department of Management Services; responsibility;
 956 department rules.--

957 (3)

958 (d) By June 30 of each year, each state agency shall
 959 annually provide to the department all information regarding
 960 agency programs affecting the need for or use of space by that
 961 agency, reviews of lease-expiration schedules for each
 962 geographic area, active and planned full-time equivalent data,
 963 business case analyses related to consolidation plans by an
 964 agency, a telecommuting program, and current occupancy and
 965 relocation costs, inclusive of furnishings, fixtures and
 966 equipment, data, and communications.

967 Section 14. Section 255.251, Florida Statutes, is amended
 968 to read:

969 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 970 Act; short title.--This act shall be cited as the "Florida
 971 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974~~."

972 Section 15. Section 255.252, Florida Statutes, is amended
 973 to read:

974 255.252 Findings and intent.--

975 (1) Operating and maintenance expenditures associated with
976 energy equipment and with energy consumed in state-financed and
977 leased buildings represent a significant cost over the life of a
978 building. Energy conserved by appropriate building design not
979 only reduces the demand for energy but also reduces costs for
980 building operation. ~~For example, commercial buildings are~~
981 ~~estimated to use from 20 to 80 percent more energy than would be~~
982 ~~required if energy conserving designs were used.~~ The size,
983 design, orientation, and operability of windows, the ratio of
984 ventilating air to air heated or cooled, the level of lighting
985 consonant with space-use requirements, the handling of occupancy
986 loads, and the ability to zone off areas not requiring
987 equivalent levels of heating or cooling are but a few of the
988 considerations necessary to conserving energy.

989 (2) Significant efforts are needed to build energy-
990 efficient state-owned buildings that meet environmental
991 standards and underway by the General Services Administration,
992 ~~the National Institute of Standards and Technology, and others~~
993 ~~to detail the considerations and practices for energy~~
994 ~~conservation in buildings. Most important is that energy-~~
995 ~~efficient designs provide energy savings over the life of the~~
996 ~~building structure. Conversely, energy inefficient designs cause~~
997 ~~excess and wasteful energy use and high costs over that life.~~
998 With buildings lasting many decades and with energy costs
999 escalating rapidly, it is essential that the costs of operation
1000 and maintenance for energy-using equipment and sustainable

1001 materials be included in all design proposals for state-owned
 1002 ~~state~~ buildings.

1003 (3) In order that such energy-efficiency and sustainable
 1004 materials considerations become a function of building design,
 1005 and ~~also~~ a model for future application in the private sector,
 1006 it shall be the policy of the state that buildings constructed
 1007 and financed by the state be designed and constructed to comply
 1008 with the United States Green Building Council (USGBC) Leadership
 1009 in Energy and Environmental Design (LEED) rating system, the
 1010 Green Building Initiative's Green Globes rating system, the
 1011 Florida Green Building Coalition standards, or a nationally
 1012 recognized, high-performance green building rating system as
 1013 approved by the department ~~in a manner which will minimize the~~
 1014 ~~consumption of energy used in the operation and maintenance of~~
 1015 ~~such buildings~~. It is further the policy of the state, when
 1016 economically feasible, to retrofit existing state-owned
 1017 buildings in a manner which will minimize the consumption of
 1018 energy used in the operation and maintenance of such buildings.

1019 (4) In addition to designing and constructing new
 1020 buildings to be energy-efficient, it shall be the policy of the
 1021 state to operate and, ~~maintain, and renovate existing~~ state
 1022 ~~facilities, or provide for their renovation,~~ in a manner which
 1023 will minimize energy consumption and maximize building
 1024 sustainability as well as ensure that facilities leased by the
 1025 state are operated so as to minimize energy use. It is further
 1026 the policy of the state that the renovation of existing state
 1027 facilities be in accordance with the United States Green
 1028 Building Council (USGBC) Leadership in Energy and Environmental

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1029 Design (LEED) rating system, the Green Building Initiative's
1030 Green Globes rating system, the Florida Green Building Coalition
1031 standards, or a nationally recognized, high-performance green
1032 building rating system as approved by the department. State
1033 agencies are encouraged to consider shared savings financing of
1034 such energy efficiency and conservation projects, using
1035 contracts which split the resulting savings for a specified
1036 period of time between the state agency and the private firm or
1037 cogeneration contracts which otherwise permit the state to lower
1038 its net energy costs. Such energy contracts may be funded from
1039 the operating budget.

1040 (5) Each state agency occupying space within buildings
1041 owned or managed by the Department of Management Services must
1042 identify and compile a list of projects determined to be
1043 suitable for a guaranteed energy, water, and wastewater
1044 performance savings contract pursuant to s. 489.145. The list of
1045 projects compiled by each state agency shall be submitted to the
1046 Department of Management Services by December 31, 2008, and must
1047 include all criteria used to determine suitability. The list of
1048 projects shall be developed from the list of state-owned
1049 facilities more than 5,000 square feet in area and for which the
1050 state agency is responsible for paying the expenses of utilities
1051 and other operating expenses as they relate to energy use. In
1052 consultation with the head of each state agency, by July 1,
1053 2009, the department shall prioritize all projects deemed
1054 suitable by each state agency and shall develop an energy
1055 efficiency project schedule based on factors such as project
1056 magnitude, efficiency and effectiveness of energy conservation

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1057 measures to be implemented, and other factors that may prove to
 1058 be advantageous to pursue. The schedule shall provide the
 1059 deadline for guaranteed energy, water, and wastewater
 1060 performance savings contract improvements to be made to the
 1061 state-owned buildings.

1062 Section 16. Subsections (6) and (7) are added to section
 1063 255.253, Florida Statutes, to read:

1064 255.253 Definitions; ss. 255.251-255.258.--

1065 (6) "Sustainable building" means a building that is
 1066 healthy and comfortable for its occupants and is economical to
 1067 operate while conserving resources, including energy, water, and
 1068 raw materials and land, and minimizing the generation and use of
 1069 toxic materials and waste in its design, construction,
 1070 landscaping, and operation.

1071 (7) "Sustainable building rating" means a rating
 1072 established by the United States Green Building Council (USGBC)
 1073 Leadership in Energy and Environmental Design (LEED) rating
 1074 system, the Green Building Initiative's Green Globes rating
 1075 system, the Florida Green Building Coalition standards, or a
 1076 nationally recognized, high-performance green building rating
 1077 system as approved by the department.

1078 Section 17. Subsection (1) of section 255.254, Florida
 1079 Statutes, is amended to read:

1080 255.254 No facility constructed or leased without life-
 1081 cycle costs.--

1082 (1) No state agency shall lease, construct, or have
 1083 constructed, within limits prescribed in this section ~~herein~~, a
 1084 facility without having secured from the department an ~~a proper~~

1085 evaluation of life-cycle costs based on sustainable building
 1086 ratings, ~~as computed by an architect or engineer.~~ Furthermore,
 1087 construction shall proceed only upon disclosing to the
 1088 department, for the facility chosen, the life-cycle costs as
 1089 determined in s. 255.255, the facility's sustainable building
 1090 rating goal, and the capitalization of the initial construction
 1091 costs of the building. The life-cycle costs and the sustainable
 1092 building rating goal shall be a primary considerations
 1093 ~~consideration~~ in the selection of a building design. ~~Such~~
 1094 ~~analysis shall be required only for construction of buildings~~
 1095 ~~with an area of 5,000 square feet or greater.~~ For leased
 1096 buildings more than 5,000 areas of 20,000 square feet in area or
 1097 ~~greater~~ within a given building boundary, an energy performance
 1098 ~~a life-cycle~~ analysis consisting of a projection of the annual
 1099 energy consumption costs in dollars per square foot of major
 1100 energy-consuming equipment and systems based on actual expenses
 1101 from the last 3 years and projected forward for the term of the
 1102 proposed lease shall be performed. ~~The, and a~~ lease shall only
 1103 be made where there is a showing that the energy life-cycle
 1104 costs incurred by the state are minimal compared to available
 1105 like facilities. A lease agreement for any building leased by
 1106 the state from a private-sector entity shall include provisions
 1107 for monthly energy use data to be collected and submitted
 1108 monthly to the department by the owner of the building.

1109 Section 18. Subsection (1) of section 255.255, Florida
 1110 Statutes, is amended to read:

1111 255.255 Life-cycle costs.--

1112 (1) The department shall adopt ~~promulgate~~ rules and
 1113 procedures, including energy conservation performance guidelines
 1114 based on sustainable building ratings, for conducting a life-
 1115 cycle cost analysis of alternative architectural and engineering
 1116 designs and alternative major items of energy-consuming
 1117 equipment to be retrofitted in existing state-owned ~~or leased~~
 1118 facilities and for developing energy performance indices to
 1119 evaluate the efficiency of energy utilization for competing
 1120 designs in the construction of state-financed and leased
 1121 facilities.

1122 Section 19. Section 255.257, Florida Statutes, is amended
 1123 to read:

1124 255.257 Energy management; buildings occupied by state
 1125 agencies.--

1126 (1) ENERGY CONSUMPTION AND COST DATA.--Each state agency
 1127 shall collect data on energy consumption and cost. The data
 1128 gathered shall be on state-owned facilities and metered state-
 1129 leased facilities of 5,000 net square feet or more. These data
 1130 will be used in the computation of the effectiveness of the
 1131 state energy management plan and the effectiveness of the energy
 1132 management program of each of the state agencies. Collected data
 1133 shall be reported annually to the department in a format
 1134 prescribed by the department.

1135 (2) ENERGY MANAGEMENT COORDINATORS.--Each state agency,
 1136 the Florida Public Service Commission, the Department of
 1137 Military Affairs, and the judicial branch shall appoint a
 1138 coordinator whose responsibility shall be to advise the head of
 1139 the state agency on matters relating to energy consumption in

1140 facilities under the control of that head or in space occupied
 1141 by the various units comprising that state agency, in vehicles
 1142 operated by that state agency, and in other energy-consuming
 1143 activities of the state agency. The coordinator shall implement
 1144 the energy management program agreed upon by the state agency
 1145 concerned and assist the department in the development of the
 1146 State Energy Management Plan.

1147 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
 1148 Department of Management Services shall ~~may~~ develop a state
 1149 energy management plan consisting of, but not limited to, the
 1150 following elements:

- 1151 (a) Data-gathering requirements;
- 1152 (b) Building energy audit procedures;
- 1153 (c) Uniform data analysis procedures;
- 1154 (d) Employee energy education program measures;
- 1155 (e) Energy consumption reduction techniques;
- 1156 (f) Training program for state agency energy management
 1157 coordinators; and
- 1158 (g) Guidelines for building managers.

1160 The plan shall include a description of actions that state
 1161 agencies shall take to reduce consumption of electricity and
 1162 nonrenewable energy sources used for space heating and cooling,
 1163 ventilation, lighting, water heating, and transportation.

1164 (4) ADOPTION OF STANDARDS.--

- 1165 (a) All state agencies shall adopt the United States Green
 1166 Building Council (USGBC) Leadership in Energy and Environmental
 1167 Design (LEED) rating system, the Green Building Initiative's

1168 Green Globes rating system, the Florida Green Building Coalition
 1169 standards, or a nationally recognized, high-performance green
 1170 building rating system as approved by the department for all new
 1171 buildings and renovations to existing buildings.

1172 (b) No state agency shall enter into new leasing
 1173 agreements for office space that does not meet Energy Star
 1174 building standards, except when determined by the appropriate
 1175 state agency head that no other viable or cost-effective
 1176 alternative exists.

1177 (c) All state agencies shall develop energy conservation
 1178 measures and guidelines for new and existing office space where
 1179 state agencies occupy more than 5,000 square feet. These
 1180 conservation measures shall focus on programs that may reduce
 1181 energy consumption and, when established, provide a net
 1182 reduction in occupancy costs.

1183 Section 20. (1) The Legislature declares that there is an
 1184 important state interest in promoting the construction of
 1185 energy-efficient and sustainable buildings. Government
 1186 leadership in promoting these standards is vital to demonstrate
 1187 the state's commitment to energy conservation, saving taxpayers
 1188 money, and raising public awareness of energy-rating systems.

1189 (2) All county, municipal, school district, water
 1190 management district, state university, community college, and
 1191 Florida state court buildings shall be constructed to meet the
 1192 United States Green Building Council (USGBC) Leadership in
 1193 Energy and Environmental Design (LEED) rating system, the Green
 1194 Building Initiative's Green Globes rating system, the Florida
 1195 Green Building Coalition standards, or a nationally recognized,

1196 high-performance green building rating system as approved by the
 1197 Department of Management Services. This section shall apply to
 1198 all county, municipal, school district, water management
 1199 district, state university, community college, and Florida state
 1200 court buildings the architectural plans of which are commenced
 1201 after July 1, 2008.

1202 Section 21. Section 286.29, Florida Statutes, is created
 1203 to read:

1204 286.29 Climate-friendly public business.--The Legislature
 1205 recognizes the importance of leadership by state government in
 1206 the area of energy efficiency and in reducing the greenhouse gas
 1207 emissions of state government operations. The following shall
 1208 pertain to all state agencies when conducting public business:

1209 (1) The Department of Management Services shall develop
 1210 the "Florida Climate-Friendly Preferred Products List." In
 1211 maintaining that list, the department, in consultation with the
 1212 Department of Environmental Protection, shall continually assess
 1213 products currently available for purchase under state term
 1214 contracts to identify specific products and vendors that offer
 1215 clear energy efficiency or other environmental benefits over
 1216 competing products. When procuring products from state term
 1217 contracts, state agencies shall first consult the Florida
 1218 Climate-Friendly Preferred Products List and procure such
 1219 products if the price is comparable.

1220 (2) Effective July 1, 2008, state agencies shall contract
 1221 for meeting and conference space only with hotels or conference
 1222 facilities that have received the "Green Lodging" designation
 1223 from the Department of Environmental Protection for best

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1224 practices in water, energy, and waste efficiency standards,
1225 unless the responsible state agency head makes a determination
1226 that no other viable alternative exists. The Department of
1227 Environmental Protection is authorized to adopt rules to
1228 implement the "Green Lodging" program.

1229 (3) Each state agency shall ensure that all maintained
1230 vehicles meet minimum maintenance schedules shown to reduce fuel
1231 consumption, which include: ensuring appropriate tire pressures
1232 and tread depth; replacing fuel filters and emission filters at
1233 recommended intervals; using proper motor oils; and performing
1234 timely motor maintenance. Each state agency shall measure and
1235 report compliance to the Department of Management Services
1236 through the Equipment Management Information System database.

1237 (4) When procuring new vehicles, all state agencies, state
1238 universities, community colleges, and local governments that
1239 purchase vehicles under a state purchasing plan shall first
1240 define the intended purpose for the vehicle and determine which
1241 of the following use classes for which the vehicle is being
1242 procured:

- 1243 (a) State business travel, designated operator;
1244 (b) State business travel, pool operators;
1245 (c) Construction, agricultural, or maintenance work;
1246 (d) Conveyance of passengers;
1247 (e) Conveyance of building or maintenance materials and
1248 supplies;
1249 (f) Off-road vehicle, motorcycle, or all-terrain vehicle;
1250 (g) Emergency response; or
1251 (h) Other.

1252
 1253 Vehicles described in paragraphs (a) through (h), when being
 1254 processed for purchase or leasing agreements, must be selected
 1255 for the greatest fuel efficiency available for a given use class
 1256 when fuel economy data are available. Exceptions may be made for
 1257 individual vehicles in paragraph (g) when accompanied, during
 1258 the procurement process, by documentation indicating that the
 1259 operator or operators will exclusively be emergency first
 1260 responders or have special documented need for exceptional
 1261 vehicle performance characteristics. Any request for an
 1262 exception must be approved by the purchasing agency head and any
 1263 exceptional performance characteristics denoted as a part of the
 1264 procurement process prior to purchase.

1265 (5) All state agencies shall use ethanol and biodiesel
 1266 blended fuels when available. State agencies administering
 1267 central fueling operations for state-owned vehicles shall
 1268 procure biofuels for fleet needs to the greatest extent
 1269 practicable.

1270 Section 22. Paragraph (b) of subsection (2) and subsection
 1271 (5) of section 287.063, Florida Statutes, are amended to read:

1272 287.063 Deferred-payment commodity contracts; preaudit
 1273 review.--

1274 (2)

1275 (b) The Chief Financial Officer shall establish, by rule,
 1276 criteria for approving purchases made under deferred-payment
 1277 contracts which require the payment of interest. Criteria shall
 1278 include, but not be limited to, the following provisions:

1279 1. No contract shall be approved in which interest exceeds
 1280 the statutory ceiling contained in this section. However, the
 1281 interest component of any master equipment financing agreement
 1282 entered into for the purpose of consolidated financing of a
 1283 deferred-payment, installment sale, or lease-purchase shall be
 1284 deemed to comply with the interest rate limitation of this
 1285 section so long as the interest component of every interagency
 1286 agreement under such master equipment financing agreement
 1287 complies with the interest rate limitation of this section.

1288 2. No deferred-payment purchase for less than \$30,000
 1289 shall be approved, unless it can be satisfactorily demonstrated
 1290 and documented to the Chief Financial Officer that failure to
 1291 make such deferred-payment purchase would adversely affect an
 1292 agency in the performance of its duties. However, the Chief
 1293 Financial Officer may approve any deferred-payment purchase if
 1294 the Chief Financial Officer determines that such purchase is
 1295 economically beneficial to the state.

1296 ~~3. No agency shall obligate an annualized amount of~~
 1297 ~~payments for deferred payment purchases in excess of current~~
 1298 ~~operating capital outlay appropriations, unless specifically~~
 1299 ~~authorized by law or unless it can be satisfactorily~~
 1300 ~~demonstrated and documented to the Chief Financial Officer that~~
 1301 ~~failure to make such deferred payment purchase would adversely~~
 1302 ~~affect an agency in the performance of its duties.~~

1303 3.4. No contract shall be approved which extends payment
 1304 beyond 5 years, unless it can be satisfactorily demonstrated and
 1305 documented to the Chief Financial Officer that failure to make
 1306 such deferred-payment purchase would adversely affect an agency

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1307 | in the performance of its duties. The payment term may not
 1308 | exceed the useful life of the equipment unless the contract
 1309 | provides for the replacement or the extension of the useful life
 1310 | of the equipment during the term of the loan.

1311 | (5) For purposes of this section, the annualized amount of
 1312 | any such deferred payment commodity contract must be supported
 1313 | from available recurring funds appropriated to the agency in an
 1314 | appropriation category, ~~other than the expense appropriation~~
 1315 | ~~category~~ as defined in chapter 216, that the Chief Financial
 1316 | Officer has determined is appropriate or that the Legislature
 1317 | has designated for payment of the obligation incurred under this
 1318 | section.

1319 | Section 23. Subsections (10) and (11) of section 287.064,
 1320 | Florida Statutes, are amended to read:

1321 | 287.064 Consolidated financing of deferred-payment
 1322 | purchases.--

1323 | (10) (a) A master equipment financing agreement may finance
 1324 | ~~Costs incurred pursuant to a guaranteed energy performance~~
 1325 | ~~savings contract, including the cost of energy, water, or~~
 1326 | wastewater efficiency and conservation measures, each as defined
 1327 | in s. 489.145, ~~excluding may be financed pursuant to a master~~
 1328 | ~~equipment financing agreement; however, the costs of training,~~
 1329 | ~~operation, and maintenance, for a term of repayment that may not~~
 1330 | ~~be financed. The period of time for repayment of the funds drawn~~
 1331 | ~~pursuant to the master equipment financing agreement under this~~
 1332 | ~~subsection~~ may exceed 5 years but may not exceed 20 ~~10~~ years.

1333 | (b) The guaranteed energy, water, and wastewater savings
 1334 | contractor shall provide for the replacement or the extension of

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1335 the useful life of the equipment during the term of the
 1336 contract.

1337 (11) For purposes of consolidated financing of deferred
 1338 payment commodity contracts under this section by a state
 1339 agency, the annualized amount of any such contract must be
 1340 supported from available recurring funds appropriated to the
 1341 agency in an appropriation category, ~~other than the expense~~
 1342 ~~appropriation category~~ as defined in chapter 216, which ~~that~~ the
 1343 Chief Financial Officer has determined is appropriate or which
 1344 ~~that~~ the Legislature has designated for payment of the
 1345 obligation incurred under this section.

1346 Section 24. Section 316.0741, Florida Statutes, is amended
 1347 to read:

1348 316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~
 1349 lanes.--

1350 (1) As used in this section, the term:

1351 (a) "High-occupancy-vehicle ~~"High-occupancy-vehicle lane"~~
 1352 or "HOV lane" means a lane of a public roadway designated for
 1353 use by vehicles in which there is more than one occupant unless
 1354 otherwise authorized by federal law.

1355 (b) "Hybrid vehicle" means a motor vehicle that:

1356 1. Draws propulsion energy from an onboard source of
 1357 stored energy comprised of both an internal combustion or heat
 1358 engine using combustible fuel and a rechargeable energy-storage
 1359 system; and

1360 2. In the case of a passenger automobile or light truck,
 1361 has received a certificate of conformity under the Clean Air
 1362 Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the

1363 equivalent qualifying California standards for a low-emission
 1364 vehicle.

1365 (2) The number of persons who ~~that~~ must be in a vehicle to
 1366 qualify for legal use of the HOV lane and the hours during which
 1367 the lane will serve as an HOV lane, if it is not designated as
 1368 such on a full-time basis, must also be indicated on a traffic
 1369 control device.

1370 (3) Except as provided in subsection (4), a vehicle may
 1371 not be driven in an HOV lane if the vehicle is occupied by fewer
 1372 than the number of occupants indicated by a traffic control
 1373 device. A driver who violates this section shall be cited for a
 1374 moving violation, punishable as provided in chapter 318.

1375 (4) (a) Notwithstanding any other provision of this
 1376 section, an inherently low-emission vehicle (ILEV) that is
 1377 certified and labeled in accordance with federal regulations may
 1378 be driven in an HOV lane at any time, regardless of its
 1379 occupancy. In addition, upon the state's receipt of written
 1380 notice from the proper federal regulatory agency authorizing
 1381 such use, a vehicle defined as a hybrid vehicle under this
 1382 section may be driven in an HOV lane at any time, regardless of
 1383 its occupancy.

1384 (b) All eligible hybrid and other low-emission and energy-
 1385 efficient vehicles driven in an HOV lane must comply with the
 1386 minimum fuel economy standards in 23 U.S.C. s. 166(f)(3)(B).

1387 (c) Upon its effective date, the eligibility of hybrid and
 1388 other low-emission and energy-efficient vehicles for operation
 1389 in an HOV lane regardless of occupancy shall be determined in
 1390 accordance with the applicable final rule issued by the United

1391 States Environmental Protection Agency pursuant to 23 U.S.C. s.
 1392 166(e).

1393 (5) The department shall issue a decal and registration
 1394 certificate, to be renewed annually, reflecting the HOV lane
 1395 designation on ~~such~~ vehicles meeting the criteria in subsection
 1396 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
 1397 department may charge a fee for a decal, not to exceed the costs
 1398 of designing, producing, and distributing each decal, or \$5,
 1399 whichever is less. The proceeds from sale of the decals shall be
 1400 deposited in the Highway Safety Operating Trust Fund. The
 1401 department may, for reasons of operation and management of HOV
 1402 facilities, limit or discontinue issuance of decals for the use
 1403 of HOV facilities by hybrid and low-emission and energy-
 1404 efficient vehicles regardless of occupancy if it has been
 1405 determined by the Department of Transportation that the
 1406 facilities are degraded as defined by 23 U.S.C. s. 166(d) (2).

1407 (6) Vehicles having decals by virtue of compliance with
 1408 the minimum fuel economy standards in 23 U.S.C. s. 166(f) (3) (B)
 1409 and that are registered for use in high-occupancy-vehicle toll
 1410 lanes or express lanes in accordance with Department of
 1411 Transportation rule shall be allowed to use any HOV lane
 1412 redesignated as a high-occupancy-vehicle toll lane without
 1413 requiring payment of the toll.

1414 ~~(5) As used in this section, the term "hybrid vehicle"~~
 1415 ~~means a motor vehicle:~~

1416 ~~(a) That draws propulsion energy from onboard sources of~~
 1417 ~~stored energy which are both:~~

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1418 ~~1. An internal combustion or heat engine using combustible~~
 1419 ~~fuel; and~~

1420 ~~2. A rechargeable energy storage system; and~~

1421 ~~(b) That, in the case of a passenger automobile or light~~
 1422 ~~truck:~~

1423 ~~1. Has received a certificate of conformity under the~~
 1424 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

1425 ~~2. Meets or exceeds the equivalent qualifying California~~
 1426 ~~standards for a low emission vehicle.~~

1427 ~~(7)(6)~~ The department may adopt rules necessary to
 1428 administer this section.

1429 Section 25. Subsection (1) of section 337.401, Florida
 1430 Statutes, is amended to read:

1431 337.401 Use of right-of-way for utilities subject to
 1432 regulation; permit; fees.--

1433 (1) The department and local governmental entities,
 1434 referred to in ss. 337.401-337.404 as the "authority," that have
 1435 jurisdiction and control of public roads or publicly owned rail
 1436 corridors are authorized to prescribe and enforce reasonable
 1437 rules or regulations with reference to the placing and
 1438 maintaining along, across, or on any road or publicly owned rail
 1439 corridors under their respective jurisdictions any electric
 1440 transmission, telephone, telegraph, or other communications
 1441 services lines; pole lines; poles; railways; ditches; sewers;
 1442 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1443 pumps; or other structures ~~hereinafter~~ referred to in this
 1444 section as the "utility." For aerial and underground electric
 1445 transmission lines designed to operate at 69 or more kilovolts

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1446 that are needed to accommodate the additional electrical
1447 transfer capacity on the transmission grid resulting from new
1448 base-load generating facilities, where there is no other
1449 practicable alternative available for placement of the electric
1450 transmission lines on the department's rights-of-way, the
1451 department's rules shall provide for placement of and access to
1452 such transmission lines within the right-of-way of any
1453 department-controlled public road, including longitudinally
1454 within limited access facilities to the greatest extent allowed
1455 by federal law, if compliance with the standards established by
1456 such rules is achieved. Such rules may include, but need not be
1457 limited to, presentation of competent and substantial evidence
1458 that the use of the right-of-way is reasonable based upon a
1459 consideration of economic and environmental factors, including,
1460 without limitation, other utility corridors and easements and
1461 minimum clear zones and other safety standards, if such
1462 improvements do not interfere with operational requirements of
1463 the transportation facility or planned or potential future
1464 expansion of such transportation facility. If the department
1465 approves longitudinal placement of electric transmission lines
1466 in limited access facilities, compensation for the use of the
1467 right-of-way is required. Such consideration or compensation
1468 paid by the electric utility in connection with the department's
1469 issuance of a permit does not create any property right in the
1470 department's property regardless of the amount of consideration
1471 paid or the improvements constructed on the property by the
1472 utility. Upon notice by the department that the property is
1473 needed for expansion or improvement of the transportation

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1474 facility, the electric transmission line shall be relocated from
 1475 the facility at the electric utility's sole expense. Such
 1476 relocation shall occur under a schedule mutually agreed upon by
 1477 the department and the electric utility, taking into
 1478 consideration the maintenance of overall grid reliability and
 1479 minimizing the relocation costs to the electric utility's
 1480 customers. If the utility fails to meet the agreed-upon schedule
 1481 for relocation, the utility shall be responsible for reasonable
 1482 direct delay damages due to the sole negligence of the electric
 1483 utility as determined by a court of competent jurisdiction. As
 1484 used in this subsection, the term "base-load generating
 1485 facilities" means electrical power plants that are certified
 1486 under part II of chapter 403. The department may enter into a
 1487 permit-delegation agreement with a governmental entity if
 1488 issuance of a permit is based on requirements that the
 1489 department finds will ensure the safety and integrity of
 1490 facilities of the Department of Transportation; however, the
 1491 permit-delegation agreement does not apply to facilities of
 1492 electric utilities as defined in s. 366.02(2).

1493 Section 26. Subsections (1) and (7) of section 339.175,
 1494 Florida Statutes, are amended to read:

1495 339.175 Metropolitan planning organization.--

1496 (1) PURPOSE.--It is the intent of the Legislature to
 1497 encourage and promote the safe and efficient management,
 1498 operation, and development of surface transportation systems
 1499 that will serve the mobility needs of people and freight and
 1500 foster economic growth and development within and through
 1501 urbanized areas of this state while minimizing transportation-

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1502 related fuel consumption, ~~and~~ air pollution, and greenhouse gas
1503 emissions through metropolitan transportation planning processes
1504 identified in this section. To accomplish these objectives,
1505 metropolitan planning organizations, referred to in this section
1506 as M.P.O.'s, shall develop, in cooperation with the state and
1507 public transit operators, transportation plans and programs for
1508 metropolitan areas. The plans and programs for each metropolitan
1509 area must provide for the development and integrated management
1510 and operation of transportation systems and facilities,
1511 including pedestrian walkways and bicycle transportation
1512 facilities that will function as an intermodal transportation
1513 system for the metropolitan area, based upon the prevailing
1514 principles provided in s. 334.046(1). The process for developing
1515 such plans and programs shall provide for consideration of all
1516 modes of transportation and shall be continuing, cooperative,
1517 and comprehensive, to the degree appropriate, based on the
1518 complexity of the transportation problems to be addressed. To
1519 ensure that the process is integrated with the statewide
1520 planning process, M.P.O.'s shall develop plans and programs that
1521 identify transportation facilities that should function as an
1522 integrated metropolitan transportation system, giving emphasis
1523 to facilities that serve important national, state, and regional
1524 transportation functions. For the purposes of this section,
1525 those facilities include the facilities on the Strategic
1526 Intermodal System designated under s. 339.63 and facilities for
1527 which projects have been identified pursuant to s. 339.2819(4).

1528 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1529 develop a long-range transportation plan that addresses at least

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1530 a 20-year planning horizon. The plan must include both long-
1531 range and short-range strategies and must comply with all other
1532 state and federal requirements. The prevailing principles to be
1533 considered in the long-range transportation plan are: preserving
1534 the existing transportation infrastructure; enhancing Florida's
1535 economic competitiveness; and improving travel choices to ensure
1536 mobility. The long-range transportation plan must be consistent,
1537 to the maximum extent feasible, with future land use elements
1538 and the goals, objectives, and policies of the approved local
1539 government comprehensive plans of the units of local government
1540 located within the jurisdiction of the M.P.O. Each M.P.O. is
1541 encouraged to consider strategies that integrate transportation
1542 and land use planning to provide for sustainable development and
1543 reduce greenhouse gas emissions. The approved long-range
1544 transportation plan must be considered by local governments in
1545 the development of the transportation elements in local
1546 government comprehensive plans and any amendments thereto. The
1547 long-range transportation plan must, at a minimum:

1548 (a) Identify transportation facilities, including, but not
1549 limited to, major roadways, airports, seaports, spaceports,
1550 commuter rail systems, transit systems, and intermodal or
1551 multimodal terminals that will function as an integrated
1552 metropolitan transportation system. The long-range
1553 transportation plan must give emphasis to those transportation
1554 facilities that serve national, statewide, or regional
1555 functions, and must consider the goals and objectives identified
1556 in the Florida Transportation Plan as provided in s. 339.155. If
1557 a project is located within the boundaries of more than one

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1558 M.P.O., the M.P.O.'s must coordinate plans regarding the project
1559 in the long-range transportation plan.

1560 (b) Include a financial plan that demonstrates how the
1561 plan can be implemented, indicating resources from public and
1562 private sources which are reasonably expected to be available to
1563 carry out the plan, and recommends any additional financing
1564 strategies for needed projects and programs. The financial plan
1565 may include, for illustrative purposes, additional projects that
1566 would be included in the adopted long-range transportation plan
1567 if reasonable additional resources beyond those identified in
1568 the financial plan were available. For the purpose of developing
1569 the long-range transportation plan, the M.P.O. and the
1570 department shall cooperatively develop estimates of funds that
1571 will be available to support the plan implementation. Innovative
1572 financing techniques may be used to fund needed projects and
1573 programs. Such techniques may include the assessment of tolls,
1574 the use of value capture financing, or the use of value pricing.

1575 (c) Assess capital investment and other measures necessary
1576 to:

1577 1. Ensure the preservation of the existing metropolitan
1578 transportation system including requirements for the operation,
1579 resurfacing, restoration, and rehabilitation of major roadways
1580 and requirements for the operation, maintenance, modernization,
1581 and rehabilitation of public transportation facilities; and

1582 2. Make the most efficient use of existing transportation
1583 facilities to relieve vehicular congestion and maximize the
1584 mobility of people and goods.

1585 (d) Indicate, as appropriate, proposed transportation
 1586 enhancement activities, including, but not limited to,
 1587 pedestrian and bicycle facilities, scenic easements,
 1588 landscaping, historic preservation, mitigation of water
 1589 pollution due to highway runoff, and control of outdoor
 1590 advertising.

1591 (e) In addition to the requirements of paragraphs (a)-(d),
 1592 in metropolitan areas that are classified as nonattainment areas
 1593 for ozone or carbon monoxide, the M.P.O. must coordinate the
 1594 development of the long-range transportation plan with the State
 1595 Implementation Plan developed pursuant to the requirements of
 1596 the federal Clean Air Act.

1597
 1598 In the development of its long-range transportation plan, each
 1599 M.P.O. must provide the public, affected public agencies,
 1600 representatives of transportation agency employees, freight
 1601 shippers, providers of freight transportation services, private
 1602 providers of transportation, representatives of users of public
 1603 transit, and other interested parties with a reasonable
 1604 opportunity to comment on the long-range transportation plan.

1605 The long-range transportation plan must be approved by the
 1606 M.P.O.

1607 Section 27. Subsections (2) and (4) of section 350.01,
 1608 Florida Statutes, are amended to read:

1609 350.01 Florida Public Service Commission; terms of
 1610 commissioners; vacancies; election and duties of chair; quorum;
 1611 proceedings.--

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1612 (2) (a) Each commissioner serving on July 1, 1978, shall be
 1613 permitted to remain in office until the completion of his or her
 1614 current term. Upon the expiration of the term, a successor shall
 1615 be appointed in the manner prescribed by s. 350.031(4), (5), and
 1616 (6), ~~and (7)~~ for a 4-year term, except that the terms of the
 1617 initial members appointed under this act shall be as follows:

1618 1. The vacancy created by the present term ending in
 1619 January, 1981, shall be filled by appointment for a 4-year term
 1620 and for 4-year terms thereafter; and

1621 2. The vacancies created by the two present terms ending
 1622 in January, 1979, shall be filled by appointment for a 3-year
 1623 term and for 4-year terms thereafter.

1624 (b) Two additional commissioners shall be appointed in the
 1625 manner prescribed by s. 350.031(4), (5), and (6), ~~and (7)~~ for 4-
 1626 year terms beginning the first Tuesday after the first Monday in
 1627 January, 1979, and successors shall be appointed for 4-year
 1628 terms thereafter with each term beginning on January 2 of the
 1629 year the term commences and ending 4 years later on January 1.

1630 (c) Vacancies on the commission shall be filled for the
 1631 unexpired portion of the term in the same manner as original
 1632 appointments to the commission.

1633 (4) One member of the commission shall be elected by
 1634 majority vote to serve as chair for a term of 2 years, beginning
 1635 on January 2 of the first year of the term ~~with the first~~
 1636 ~~Tuesday after the first Monday in January 1979~~. A member may not
 1637 serve two consecutive terms as chair.

1638 Section 28. Section 350.012, Florida Statutes, is amended
 1639 to read:

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1640 350.012 Committee on Public Counsel ~~Service Commission~~
 1641 Oversight; creation; membership; powers and duties.--

1642 (1) There is created a standing joint committee of the
 1643 Legislature, designated the Committee on Public Counsel ~~Service~~
 1644 ~~Commission~~ Oversight, and composed of 12 members appointed as
 1645 follows: six members of the Senate appointed by the President of
 1646 the Senate, two of whom must be members of the minority party;
 1647 and six members of the House of Representatives appointed by the
 1648 Speaker of the House of Representatives, two of whom must be
 1649 members of the minority party. The terms of members shall be for
 1650 2 years and shall run from the organization of one Legislature
 1651 to the organization of the next Legislature. The President shall
 1652 appoint the chair of the committee in even-numbered years and
 1653 the vice chair in odd-numbered years, and the Speaker of the
 1654 House of Representatives shall appoint the chair of the
 1655 committee in odd-numbered years and the vice chair in even-
 1656 numbered years, from among the committee membership. Vacancies
 1657 shall be filled in the same manner as the original appointment.
 1658 Members shall serve without additional compensation, but shall
 1659 be reimbursed for expenses.

1660 (2) The committee shall+

1661 ~~(a) Recommend to the Governor nominees to fill a vacancy~~
 1662 ~~on the Public Service Commission, as provided by general law;~~
 1663 ~~and~~

1664 ~~(b)~~ appoint a Public Counsel as provided by general law.

1665 ~~(3) The committee is authorized to file a complaint with~~
 1666 ~~the Commission on Ethics alleging a violation of this chapter by~~

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1667 ~~a commissioner, former commissioner, former commission employee,~~
 1668 ~~or member of the Public Service Commission Nominating Council.~~

1669 (3)~~(4)~~ The committee will not have a permanent staff, but
 1670 the President of the Senate and the Speaker of the House of
 1671 Representatives shall select staff members from among existing
 1672 legislative staff, when and as needed.

1673 Section 29. Section 350.03, Florida Statutes, is amended
 1674 to read:

1675 350.03 Power of Governor to remove and to fill
 1676 vacancies.--The Governor shall have the same power to remove,
 1677 suspend, or appoint to fill vacancies in the office of
 1678 commissioners as in other offices, as set forth in s. 7, Art. IV
 1679 of the State Constitution.

1680 Section 30. Subsections (1) and (4) through (8) of section
 1681 350.031, Florida Statutes, are amended to read:

1682 350.031 Florida Public Service Commission Nominating
 1683 Council.--

1684 (1) There is created a Florida Public Service Commission
 1685 Nominating Council consisting of 12 ~~nine~~ members. At least one
 1686 member of the council must be 60 years of age or older. Six
 1687 ~~Three~~ members, including three members ~~one member~~ of the House
 1688 of Representatives, one of whom shall be a member of the
 1689 minority party, shall be appointed by and serve at the pleasure
 1690 of the Speaker of the House of Representatives. Six,~~three~~
 1691 members, including three members ~~one member~~ of the Senate, one
 1692 of whom shall be a member of the minority party, shall be
 1693 appointed by and serve at the pleasure of the President of the
 1694 Senate; ~~and three members shall be selected and appointed by a~~

1695 ~~majority vote of the other six members of the council.~~ All terms
 1696 shall be for 4 years except those members of the House and
 1697 Senate, who shall serve 2-year terms concurrent with the 2-year
 1698 elected terms of House members. The President of the Senate
 1699 shall appoint the chair of the council in even-numbered years
 1700 and the vice chair in odd-numbered years, and the Speaker of the
 1701 House of Representatives shall appoint the chair of the council
 1702 in odd-numbered years and the vice chair in even-numbered years,
 1703 from among the council membership. Vacancies on the council
 1704 shall be filled for the unexpired portion of the term in the
 1705 same manner as original appointments to the council. A member
 1706 may not be reappointed to the council, except for a member of
 1707 the House of Representatives or the Senate who may be appointed
 1708 to two 2-year terms or a person who is appointed to fill the
 1709 remaining portion of an unexpired term.

1710 ~~(4) The council may spend a nominal amount, not to exceed~~
 1711 ~~\$10,000, to advertise a vacancy on the council, which shall be~~
 1712 ~~funded by the Florida Public Service Regulatory Trust Fund.~~

1713 ~~(4)~~⁽⁵⁾ A person may not be nominated to the Governor for
 1714 appointment to the ~~Committee on~~ Public Service Commission
 1715 ~~Oversight~~ until the council has determined that the person is
 1716 competent and knowledgeable in one or more fields, which shall
 1717 include, but not be limited to: public affairs, law, economics,
 1718 accounting, engineering, finance, natural resource conservation,
 1719 energy, or another field substantially related to the duties and
 1720 functions of the commission. The commission shall fairly
 1721 represent the above-stated fields. Recommendations of the
 1722 council shall be nonpartisan.

1723 (5)~~(6)~~ It is the responsibility of the council to nominate
 1724 to the Governor no fewer than three ~~Committee on Public Service~~
 1725 ~~Commission Oversight six~~ persons for each vacancy occurring on
 1726 the Public Service Commission. The council shall submit the
 1727 recommendations to the Governor by September 15 ~~committee by~~
 1728 ~~August 1~~ of those years in which the terms are to begin the
 1729 following January, or within 60 days after a vacancy occurs for
 1730 any reason other than the expiration of the term.

1731 (6)~~(7)~~ ~~The Committee on Public Service Commission~~
 1732 ~~Oversight shall select from the list of nominees provided by the~~
 1733 ~~nominating council three nominees for recommendation to the~~
 1734 ~~Governor for appointment to the commission. The recommendations~~
 1735 ~~must be provided to the Governor within 45 days after receipt of~~
 1736 ~~the list of nominees.~~ The Governor shall fill a vacancy
 1737 occurring on the Public Service Commission by appointment of one
 1738 of the applicants nominated by the council ~~committee~~ only after
 1739 a background investigation of such applicant has been conducted
 1740 by the Florida Department of Law Enforcement. If the Governor
 1741 has not made an appointment within 30 consecutive calendar days
 1742 after the receipt of the recommendation, the council ~~committee~~,
 1743 by majority vote, shall appoint, within 30 days after the
 1744 expiration of the Governor's time to make an appointment, one
 1745 person from the applicants previously nominated to the Governor
 1746 to fill the vacancy. After an appointment has been made pursuant
 1747 to this subsection, a successor governor may remove an appointee
 1748 only as provided in s. 350.03.

1749 (7)~~(8)~~ Each appointment to the Public Service Commission
 1750 shall be subject to confirmation by the Senate during the next

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1751 regular session after the vacancy occurs. If the Senate refuses
 1752 to confirm or fails to consider ~~rejects~~ the Governor's
 1753 appointment, the council shall initiate, in accordance with this
 1754 section, the nominating process within 30 days.

1755 Section 31. Subsection (1) of section 350.061, Florida
 1756 Statutes, is amended to read:

1757 350.061 Public Counsel; appointment; oath; restrictions on
 1758 Public Counsel and his or her employees.--

1759 (1) The Committee on Public Counsel ~~Service Commission~~
 1760 Oversight shall appoint a Public Counsel by majority vote of the
 1761 members of the committee to represent the general public of
 1762 Florida before the Florida Public Service Commission. The Public
 1763 Counsel shall be an attorney admitted to practice before the
 1764 Florida Supreme Court and shall serve at the pleasure of the
 1765 Committee on Public Counsel ~~Service Commission~~ Oversight,
 1766 subject to biennial reconfirmation by the committee. The Public
 1767 Counsel shall perform his or her duties independently. Vacancies
 1768 in the office shall be filled in the same manner as the original
 1769 appointment.

1770 Section 32. Subsection (2) of section 350.0614, Florida
 1771 Statutes, is amended to read:

1772 350.0614 Public Counsel; compensation and expenses.--

1773 (2) The Legislature declares and determines that the
 1774 Public Counsel is under the legislative branch of government
 1775 within the intention of the legislation as expressed in chapter
 1776 216, and no power shall be in the Executive Office of the
 1777 Governor or its successor to release or withhold funds
 1778 appropriated to it, but the same shall be available for

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1779 expenditure as provided by law and the rules or decisions of the
1780 Committee on Public Counsel ~~Service Commission~~ Oversight.

1781 Section 33. Subsection (7) is added to section 366.04,
1782 Florida Statutes, to read:

1783 366.04 Jurisdiction of commission.--

1784 (7) (a) As used in this subsection, the term "affected
1785 municipal electric utility" means a municipality that operates
1786 an electric utility that:

1787 1. Serves two cities in the same county;

1788 2. Is located in a noncharter county;

1789 3. Has between 30,000 and 35,000 retail electric customers
1790 as of September 30, 2007; and

1791 4. Does not have a service territory that extends beyond
1792 its home county as of September 30, 2007.

1793 (b) Each affected municipal electric utility shall conduct
1794 a referendum election of all of its retail electric customers,
1795 with each named retail electric customer having one vote,
1796 concurrent with the next regularly scheduled general election
1797 following the effective date of this act.

1798 (c) The ballot for the referendum election required under
1799 paragraph (b) shall contain the following question: "Should a
1800 separate electric utility authority be created to operate the
1801 business of the electric utility in the affected municipal
1802 electric utility?" The statement shall be followed by the word
1803 "yes" and the word "no."

1804 (d) The provisions of the Election Code relating to notice
1805 and conduct of the election shall be followed to the extent

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1806 practicable. Costs of the referendum election shall be borne by
 1807 the affected municipal electric utility.

1808 (e) If a majority of the affected municipal electric
 1809 utility's retail electric customers vote in favor of creating a
 1810 separate electric utility authority, the affected municipal
 1811 electric utility shall transfer operations of its electric
 1812 utility business to a duly-created authority on or before July
 1813 1, 2009. An electric utility authority created pursuant to this
 1814 subsection shall consist of a governing body with a membership
 1815 that is proportionally representative of the number of county
 1816 and city ratepayers and shall have jurisdiction over electric,
 1817 water, and sewer utilities.

1818 Section 34. Section 366.81, Florida Statutes, is amended
 1819 to read:

1820 366.81 Legislative findings and intent.--The Legislature
 1821 finds and declares that it is critical to utilize the most
 1822 efficient and cost-effective demand-side renewable energy
 1823 systems and conservation systems in order to protect the health,
 1824 prosperity, and general welfare of the state and its citizens.
 1825 Reduction in, and control of, the growth rates of electric
 1826 consumption and of weather-sensitive peak demand are of
 1827 particular importance. The Legislature further finds that the
 1828 Florida Public Service Commission is the appropriate agency to
 1829 adopt goals and approve plans related to the promotion of
 1830 demand-side renewable energy systems and the conservation of
 1831 electric energy and natural gas usage. The Legislature directs
 1832 the commission to develop and adopt overall goals and authorizes
 1833 the commission to require each utility to develop plans and

1834 implement programs for increasing energy efficiency and
 1835 conservation and demand-side renewable energy systems within its
 1836 service area, subject to the approval of the commission. Since
 1837 solutions to our energy problems are complex, the Legislature
 1838 intends that the use of solar energy, renewable energy sources,
 1839 highly efficient systems, cogeneration, and load-control systems
 1840 be encouraged. Accordingly, in exercising its jurisdiction, the
 1841 commission shall not approve any rate or rate structure which
 1842 discriminates against any class of customers on account of the
 1843 use of such facilities, systems, or devices. This expression of
 1844 legislative intent shall not be construed to preclude
 1845 experimental rates, rate structures, or programs. The
 1846 Legislature further finds and declares that ss. 366.80-366.85
 1847 and 403.519 are to be liberally construed in order to meet the
 1848 complex problems of reducing and controlling the growth rates of
 1849 electric consumption and reducing the growth rates of weather-
 1850 sensitive peak demand; increasing the overall efficiency and
 1851 cost-effectiveness of electricity and natural gas production and
 1852 use; encouraging further development of demand-side renewable
 1853 energy systems ~~cogeneration facilities~~; and conserving expensive
 1854 resources, particularly petroleum fuels.

1855 Section 35. Section 366.82, Florida Statutes, is amended
 1856 to read:

1857 366.82 Definition; goals; plans; programs; annual reports;
 1858 energy audits.--

1859 (1) For the purposes of ss. 366.80-366.85 and 403.519:7

1860 (a) "Utility" means any person or entity of whatever form
 1861 which provides electricity or natural gas at retail to the

1862 public, specifically including municipalities or
 1863 instrumentalities thereof and cooperatives organized under the
 1864 Rural Electric Cooperative Law and specifically excluding any
 1865 municipality or instrumentality thereof, any cooperative
 1866 organized under the Rural Electric Cooperative Law, or any other
 1867 person or entity providing natural gas at retail to the public
 1868 whose annual sales volume is less than 100 million therms or any
 1869 municipality or instrumentality thereof and any cooperative
 1870 organized under the Rural Electric Cooperative Law providing
 1871 electricity at retail to the public whose annual sales as of
 1872 July 1, 1993, to end-use customers is less than 2,000 gigawatt
 1873 hours.

1874 (b) "Demand-side renewable energy" means a thermal or
 1875 electric energy produced and consumed at a customer's premises.

1876 (2) The commission shall adopt appropriate goals for
 1877 increasing the efficiency of energy consumption and increasing
 1878 the development of demand-side renewable energy systems
 1879 ~~egeneration~~, specifically including goals designed to increase
 1880 the conservation of expensive resources, such as petroleum
 1881 fuels, to reduce and control the growth rates of electric
 1882 consumption, ~~and~~ to reduce the growth rates of weather-sensitive
 1883 peak demand, and to encourage development of demand-side
 1884 renewable energy resources. The commission may allow efficiency
 1885 investments across generation, transmission, and distribution as
 1886 well as efficiencies within the user base. The Executive Office
 1887 ~~of the Governor shall be a party in the proceedings to adopt~~
 1888 ~~goals. The commission may change the goals for reasonable cause.~~
 1889 ~~The time period to review the goals, however, shall not exceed 5~~

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1890 ~~years. After the programs and plans to meet those goals are~~
1891 ~~completed, the commission shall determine what further goals,~~
1892 ~~programs, or plans are warranted and, if so, shall adopt them.~~

1893 (3) In developing the goals, the commission shall evaluate
1894 the full technical potential of all available demand-side and
1895 supply-side conservation and efficiency measures, including
1896 demand-side renewable energy systems. In establishing the goals,
1897 the commission shall take into consideration:

1898 (a) The costs and benefits to customers participating in
1899 the measure.

1900 (b) The costs and benefits to the general body of
1901 ratepayers as a whole, including utility incentives and
1902 participant contributions.

1903 (c) The need for incentives to promote both customer-owned
1904 and utility-owned energy efficiency and demand-side renewable
1905 energy systems.

1906 (d) The costs imposed by state and federal regulations on
1907 the emission of greenhouse gases.

1908 (4) Subject to specific appropriation, the commission may
1909 expend up to \$250,000 from the Florida Public Service Regulatory
1910 Trust Fund to obtain needed technical consulting assistance.

1911 (5) The Florida Energy and Climate Commission shall be a
1912 party in the proceedings to adopt goals and shall file with the
1913 commission comments on the proposed goals, including, but not
1914 limited to:

1915 (a) An evaluation of utility load forecasts, including an
1916 assessment of alternative supply-side and demand-side resource
1917 options.

1918 (b) An analysis of various policy options that can be
 1919 implemented to achieve a least-cost strategy, including
 1920 nonutility programs targeted at reducing and controlling the per
 1921 capita use of electricity in the state.

1922 (c) An analysis of the impact of state and local building
 1923 codes and appliance efficiency standards on the need for
 1924 utility-sponsored conservation and energy efficiency measures
 1925 and programs.

1926 (6) The commission may change the goals for reasonable
 1927 cause. The time period to review the goals, however, shall not
 1928 exceed 5 years. After the programs and plans to meet those goals
 1929 are completed, the commission shall determine what further
 1930 goals, programs, or plans are warranted and adopt them.

1931 (7) ~~(3)~~ Following adoption of goals pursuant to subsections
 1932 ~~subsection (2) and (3),~~ the commission shall require each
 1933 utility to develop plans and programs to meet the overall goals
 1934 within its service area. The commission may require
 1935 modifications or additions to a utility's plans and programs at
 1936 any time it is in the public interest consistent with this act.
 1937 In approving plans and programs for cost recovery, the
 1938 commission shall have the flexibility to modify or deny plans or
 1939 programs that would have an undue impact on the costs passed on
 1940 to customers. If any plan or program includes loans, collection
 1941 of loans, or similar banking functions by a utility and the plan
 1942 is approved by the commission, the utility shall perform such
 1943 functions, notwithstanding any other provision of the law. ~~The~~
 1944 ~~commission may pledge up to \$5 million of the Florida Public~~
 1945 ~~Service Regulatory Trust Fund to guarantee such loans. However,~~

1946 no utility shall be required to loan its funds for the purpose
 1947 of purchasing or otherwise acquiring conservation measures or
 1948 devices, but nothing herein shall prohibit or impair the
 1949 administration or implementation of a utility plan as submitted
 1950 by a utility and approved by the commission under this
 1951 subsection. If the commission disapproves a plan, it shall
 1952 specify the reasons for disapproval, and the utility whose plan
 1953 is disapproved shall resubmit its modified plan within 30 days.
 1954 Prior approval by the commission shall be required to modify or
 1955 discontinue a plan, or part thereof, which has been approved. If
 1956 any utility has not implemented its programs and is not
 1957 substantially in compliance with the provisions of its approved
 1958 plan at any time, the commission shall adopt programs required
 1959 for that utility to achieve the overall goals. Utility programs
 1960 may include variations in rate design, load control,
 1961 cogeneration, residential energy conservation subsidy, or any
 1962 other measure within the jurisdiction of the commission which
 1963 the commission finds likely to be effective; this provision
 1964 shall not be construed to preclude these measures in any plan or
 1965 program.

1966 (8) The commission may authorize financial rewards for
 1967 those utilities over which it has rate-setting authority that
 1968 exceed their goals and may authorize financial penalties for
 1969 those utilities that fail to meet their goals, including, but
 1970 not limited to, the sharing of generation, transmission, and
 1971 distribution cost savings associated with conservation, energy
 1972 efficiency, and demand-side renewable energy systems additions.

1973 (9)~~(4)~~ The commission shall require periodic reports from
 1974 each utility and shall provide the Legislature and the Governor
 1975 with an annual report by March 1 of the goals it has adopted and
 1976 its progress toward meeting those goals. The commission shall
 1977 also consider the performance of each utility pursuant to ss.
 1978 366.80-366.85 and 403.519 when establishing rates for those
 1979 utilities over which the commission has ratesetting authority.

1980 (10)~~(5)~~ The commission shall require each utility to
 1981 offer, or to contract to offer, energy audits to its residential
 1982 customers. This requirement need not be uniform, but may be
 1983 based on such factors as level of usage, geographic location, or
 1984 any other reasonable criterion, so long as all eligible
 1985 customers are notified. The commission may extend this
 1986 requirement to some or all commercial customers. The commission
 1987 shall set the charge for audits by rule, not to exceed the
 1988 actual cost, and may describe by rule the general form and
 1989 content of an audit. In the event one utility contracts with
 1990 another utility to perform audits for it, the utility for which
 1991 the audits are performed shall pay the contracting utility the
 1992 reasonable cost of performing the audits. Each utility over
 1993 which the commission has ratesetting authority shall estimate
 1994 its costs and revenues for audits, conservation programs, and
 1995 implementation of its plan for the immediately following 6-month
 1996 period. Reasonable and prudent unreimbursed costs projected to
 1997 be incurred, or any portion of such costs, may be added to the
 1998 rates which would otherwise be charged by a utility upon
 1999 approval by the commission, provided that the commission shall
 2000 not allow the recovery of the cost of any company image-

2001 enhancing advertising or of any advertising not directly related
 2002 to an approved conservation program. Following each 6-month
 2003 period, each utility shall report the actual results for that
 2004 period to the commission, and the difference, if any, between
 2005 actual and projected results shall be taken into account in
 2006 succeeding periods. The state plan as submitted for
 2007 consideration under the National Energy Conservation Policy Act
 2008 shall not be in conflict with any state law or regulation.

2009 (11)~~(6)~~~~(a)~~ Notwithstanding the provisions of s. 377.703,
 2010 the commission shall be the responsible state agency for
 2011 performing, coordinating, implementing, or administering the
 2012 functions of the state plan submitted for consideration under
 2013 the National Energy Conservation Policy Act and any acts
 2014 amendatory thereof or supplemental thereto and for performing,
 2015 coordinating, implementing, or administering the functions of
 2016 any future federal program delegated to the state which relates
 2017 to consumption, utilization, or conservation of electricity or
 2018 natural gas; and the commission shall have exclusive
 2019 responsibility for preparing all reports, information, analyses,
 2020 recommendations, and materials related to consumption,
 2021 utilization, or conservation of electrical energy which are
 2022 required or authorized by s. 377.703.

2023 ~~(b) The Executive Office of the Governor shall be a party~~
 2024 ~~in the proceedings to adopt goals and shall file with the~~
 2025 ~~commission comments on the proposed goals including, but not~~
 2026 ~~limited to:~~

2027 | ~~1. An evaluation of utility load forecasts, including an~~
 2028 | ~~assessment of alternative supply and demand side resource~~
 2029 | ~~options.~~

2030 | ~~2. An analysis of various policy options which can be~~
 2031 | ~~implemented to achieve a least cost strategy.~~

2032 | (12)~~(7)~~ The commission shall establish all minimum
 2033 | requirements for energy auditors used by each utility. The
 2034 | commission is authorized to contract with any public agency or
 2035 | other person to provide any training, testing, evaluation, or
 2036 | other step necessary to fulfill the provisions of this
 2037 | subsection.

2038 | Section 36. Paragraph (d) of subsection (1) of section
 2039 | 366.8255, Florida Statutes, is amended to read:

2040 | 366.8255 Environmental cost recovery.--

2041 | (1) As used in this section, the term:

2042 | (d) "Environmental compliance costs" includes all costs or
 2043 | expenses incurred by an electric utility in complying with
 2044 | environmental laws or regulations, including, but not limited
 2045 | to:

2046 | 1. Inservice capital investments, including the electric
 2047 | utility's last authorized rate of return on equity thereon.†

2048 | 2. Operation and maintenance expenses.†

2049 | 3. Fuel procurement costs.†

2050 | 4. Purchased power costs.†

2051 | 5. Emission allowance costs.†

2052 | 6. Direct taxes on environmental equipment.†~~and~~

2053 | 7. Costs or expenses prudently incurred by an electric
 2054 | utility pursuant to an agreement entered into on or after the

2055 effective date of this act and prior to October 1, 2002, between
 2056 the electric utility and the Florida Department of Environmental
 2057 Protection or the United States Environmental Protection Agency
 2058 for the exclusive purpose of ensuring compliance with ozone
 2059 ambient air quality standards by an electrical generating
 2060 facility owned by the electric utility.

2061 8. Costs or expenses prudently incurred for the
 2062 quantification, reporting, and third-party verification as
 2063 required for participation in greenhouse gas emission registries
 2064 for greenhouse gases as defined in s. 403.44.

2065 9. Costs or expenses prudently incurred for scientific
 2066 research and geological assessments of carbon capture and
 2067 storage conducted in this state for the purpose of reducing an
 2068 electric utility's greenhouse gas emissions when such costs or
 2069 expenses are incurred in joint research projects with Florida
 2070 state government agencies and Florida state universities.

2071 Section 37. Subsection (2) of section 366.91, Florida
 2072 Statutes, is amended, subsection (5) is renumbered as subsection
 2073 (8), and new subsections (5), (6), and (7) are added to that
 2074 section, to read:

2075 366.91 Renewable energy.--

2076 (2) As used in this section, the term:

2077 (a) "Biomass" means a power source that is comprised of,
 2078 but not limited to, combustible residues or gases from forest
 2079 products manufacturing, waste, byproducts, or products from
 2080 agricultural and orchard crops, waste or co-products ~~products~~
 2081 from livestock and poultry operations, waste or byproducts from

2082 ~~and~~ food processing, urban wood waste, municipal solid waste,
 2083 municipal liquid waste treatment operations, and landfill gas.

2084 (b) "Customer-owned renewable generation" means an
 2085 electric generating system located on a customer's premises that
 2086 is primarily intended to offset part or all of the customer's
 2087 electricity requirements with renewable energy.

2088 (c) "Net metering" means a metering and billing
 2089 methodology whereby customer-owned renewable generation is
 2090 allowed to offset the customer's electricity consumption on
 2091 site.

2092 (d) ~~(b)~~ "Renewable energy" means electrical energy produced
 2093 from a method that uses one or more of the following fuels or
 2094 energy sources: hydrogen produced from sources other than fossil
 2095 fuels, biomass, solar energy, geothermal energy, wind energy,
 2096 ocean energy, and hydroelectric power. The term includes the
 2097 alternative energy resource, waste heat, from sulfuric acid
 2098 manufacturing operations.

2099 (5) On or before January 1, 2009, each public utility
 2100 shall develop a standardized interconnection agreement and net
 2101 metering program for customer-owned renewable generation. The
 2102 commission shall establish requirements relating to the
 2103 expedited interconnection and net metering of customer-owned
 2104 renewable generation by public utilities and may adopt rules to
 2105 administer this section.

2106 (6) On or before July 1, 2009, each municipal electric
 2107 utility and each rural electric cooperative that sells
 2108 electricity at retail shall develop a standardized
 2109 interconnection agreement and net metering program for customer-

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2110 owned renewable generation. Each governing authority shall
 2111 establish requirements relating to the expedited interconnection
 2112 and net metering of customer-owned generation. By April 1 of
 2113 each year, each municipal electric utility and rural electric
 2114 cooperative utility serving retail customers shall file a report
 2115 with the commission detailing customer participation in the
 2116 interconnection and net metering program, including, but not
 2117 limited to, the number and total capacity of interconnected
 2118 generating systems and the total energy net metered in the
 2119 previous year.

2120 (7) Under the provisions of subsections (5) and (6), when
 2121 a utility purchases power generated from biogas produced by the
 2122 anaerobic digestion of agricultural waste, including food waste
 2123 or other agricultural byproducts, net metering shall be
 2124 available at a single metering point or as a part of conjunctive
 2125 billing of multiple points for a customer at a single location.

2126 Section 38. Section 366.92, Florida Statutes, is amended
 2127 to read:

2128 366.92 Florida renewable energy policy.--

2129 (1) It is the intent of the Legislature to promote the
 2130 development of renewable energy; protect the economic viability
 2131 of Florida's existing renewable energy facilities; diversify the
 2132 types of fuel used to generate electricity in Florida; lessen
 2133 Florida's dependence on natural gas and fuel oil for the
 2134 production of electricity; minimize the volatility of fuel
 2135 costs; encourage investment within the state; improve
 2136 environmental conditions; and, at the same time, minimize the
 2137 costs of power supply to electric utilities and their customers.

2138 (2) As used in ~~For the purposes of~~ this section, the term:

2139 (a) "Florida renewable energy resources" means ~~shall mean~~
 2140 renewable energy, as defined in s. 377.803, that is produced in
 2141 Florida.

2142 (b) "Provider" means a public utility as defined in s.
 2143 366.02(1).

2144 (c) "Renewable energy" means renewable energy as defined
 2145 in s. 366.91(2)(d).

2146 (d) "Renewable energy credit" or "REC" means a product
 2147 that represents the unbundled, separable, renewable attribute of
 2148 renewable energy produced in Florida and is equivalent to 1
 2149 megawatt-hour of electricity generated by a source of renewable
 2150 energy located in Florida.

2151 (e) "Renewable portfolio standard" or "RPS" means the
 2152 minimum percentage of total annual retail electricity sales by a
 2153 provider to consumers in Florida that shall be supplied by
 2154 renewable energy produced in Florida.

2155 (3) The commission shall adopt rules for a renewable
 2156 portfolio standard requiring each provider to supply renewable
 2157 energy to its customers directly, by procuring, or through
 2158 renewable energy credits. In developing the RPS rule, the
 2159 commission shall consult the Department of Environmental
 2160 Protection and the Florida Energy and Climate Commission. The
 2161 rule shall not be implemented until ratified by the Legislature.
 2162 The commission shall present a draft rule for legislative
 2163 consideration by February 1, 2009.

2164 (a) In developing the rule, the commission shall evaluate
 2165 the current and forecasted levelized cost in cents per kilowatt

2166 hour through 2020 and current and forecasted installed capacity
 2167 in kilowatts for each renewable energy generation method through
 2168 2020.

2169 (b) The commission's rule:

2170 1. Shall include methods of managing the cost of
 2171 compliance with the renewable portfolio standard, whether
 2172 through direct supply or procurement of renewable power or
 2173 through the purchase of renewable energy credits. The commission
 2174 shall have rulemaking authority for providing annual cost
 2175 recovery and incentive-based adjustments to authorized rates of
 2176 return on common equity to providers to incentivize renewable
 2177 energy. Notwithstanding s. 366.91(3) and (4), upon the
 2178 ratification of the rules developed pursuant to this subsection,
 2179 the commission may approve projects and power sales agreements
 2180 with renewable power producers and the sale of renewable energy
 2181 credits needed to comply with the renewable portfolio standard.
 2182 In the event of any conflict, this subparagraph shall supersede
 2183 s. 366.91(3) and (4).

2184 2. Shall provide for appropriate compliance measures and
 2185 the conditions under which noncompliance shall be excused due to
 2186 a determination by the commission that the supply of renewable
 2187 energy or renewable energy credits was not adequate to satisfy
 2188 the demand for such energy or that the cost of securing
 2189 renewable energy or renewable energy credits was cost
 2190 prohibitive.

2191 3. May provide added weight to energy provided by wind and
 2192 solar photovoltaic over other forms of renewable energy, whether
 2193 directly supplied or procured or indirectly obtained through the

2194 purchase of renewable energy credits.

2195 4. Shall determine an appropriate period of time for which
 2196 renewable energy credits may be used for purposes of compliance
 2197 with the renewable portfolio standard.

2198 5. Shall provide for monitoring of compliance with and
 2199 enforcement of the requirements of this section.

2200 6. Shall ensure that energy credited toward compliance
 2201 with the requirements of this section is not credited toward any
 2202 other purpose.

2203 7. Shall include procedures to track and account for
 2204 renewable energy credits, including ownership of renewable
 2205 energy credits that are derived from a customer-owned renewable
 2206 energy facility as a result of any action by a customer of an
 2207 electric power supplier that is independent of a program
 2208 sponsored by the electric power supplier.

2209 8. Shall provide for the conditions and options for the
 2210 repeal or alteration of the rule in the event that new
 2211 provisions of federal law supplant or conflict with the rule.

2212 (c) Beginning on April 1 of the year following final
 2213 adoption of the commission's renewable portfolio standard rule,
 2214 each provider shall submit a report to the commission describing
 2215 the steps that have been taken in the previous year and the
 2216 steps that will be taken in the future to add renewable energy
 2217 to the provider's energy supply portfolio. The report shall
 2218 state whether the provider was in compliance with the renewable
 2219 portfolio standard during the previous year and how it will
 2220 comply with the renewable portfolio standard in the upcoming
 2221 year.

2222 (4) Until such time as the rules developed pursuant to
 2223 subsection (3) are ratified by the Legislature, the commission
 2224 shall provide for full cost recovery under appropriate cost
 2225 recovery clauses of all reasonable and prudent costs incurred by
 2226 a provider for a project to place up to a total of 100 megawatts
 2227 in new renewable energy capacity for each provider, provided
 2228 that such provider-owned projects do not exceed the projected
 2229 construction cost per kilowatt of at least one electric power
 2230 plant for which the commission has granted an affirmative
 2231 determination of need pursuant to s. 403.519 within the prior 10
 2232 years.

2233 (5) Each municipal electric utility and rural electric
 2234 cooperative shall develop standards for the promotion,
 2235 encouragement, and expansion of the use of renewable energy
 2236 resources and energy conservation and efficiency measures. On or
 2237 before April 1, 2009, and annually thereafter, each municipal
 2238 electric utility and electric cooperative shall submit to the
 2239 commission a report that identifies such standards.

2240 (6) Nothing in this section shall be construed to impede
 2241 or impair terms and conditions of existing contracts.

2242 ~~(3) The commission may adopt appropriate goals for~~
 2243 ~~increasing the use of existing, expanded, and new Florida~~
 2244 ~~renewable energy resources. The commission may change the goals.~~
 2245 ~~The commission may review and reestablish the goals at least~~
 2246 ~~once every 5 years.~~

2247 (7)~~(4)~~ The commission may adopt rules to administer and
 2248 implement the provisions of this section.

2249 Section 39. Subsections (1), (2), and (6) of section
 2250 366.93, Florida Statutes, are amended to read:

2251 366.93 Cost recovery for the siting, design, licensing,
 2252 and construction of nuclear and integrated gasification combined
 2253 cycle power plants.--

2254 (1) As used in this section, the term:

2255 (a) "Cost" includes, but is not limited to, all capital
 2256 investments, including rate of return, any applicable taxes, and
 2257 all expenses, including operation and maintenance expenses,
 2258 related to or resulting from the siting, licensing, design,
 2259 construction, or operation of the nuclear power plant, including
 2260 new, expanded, or relocated electrical transmission lines or
 2261 facilities of any size that are necessary thereto, or of the
 2262 integrated gasification combined cycle power plant.

2263 (b) "Electric utility" or "utility" has the same meaning
 2264 as that provided in s. 366.8255(1)(a).

2265 (c) "Integrated gasification combined cycle power plant"
 2266 or "plant" means ~~is~~ an electrical power plant as defined in s.
 2267 403.503 (14) ~~(13)~~ that uses synthesis gas produced by integrated
 2268 gasification technology.

2269 (d) "Nuclear power plant" or "plant" means ~~is~~ an
 2270 electrical power plant as defined in s. 403.503 (14) ~~(13)~~ that
 2271 uses nuclear materials for fuel.

2272 (e) "Power plant" or "plant" means a nuclear power plant
 2273 or an integrated gasification combined cycle power plant.

2274 (f) "Preconstruction" is that period of time after a site,
 2275 including any related electrical transmission lines or
 2276 facilities, has been selected through and including the date the

2277 utility completes site clearing work. Preconstruction costs
 2278 shall be afforded deferred accounting treatment and shall accrue
 2279 a carrying charge equal to the utility's allowance for funds
 2280 during construction (AFUDC) rate until recovered in rates.

2281 (2) Within 6 months after the enactment of this act, the
 2282 commission shall establish, by rule, alternative cost recovery
 2283 mechanisms for the recovery of costs incurred in the siting,
 2284 design, licensing, and construction of a nuclear power plant,
 2285 including new, expanded, or relocated electrical transmission
 2286 lines and facilities that are necessary thereto, or of an
 2287 integrated gasification combined cycle power plant. Such
 2288 mechanisms shall be designed to promote utility investment in
 2289 nuclear or integrated gasification combined cycle power plants
 2290 and allow for the recovery in rates of all prudently incurred
 2291 costs, and shall include, but ~~are~~ are not be limited to:

2292 (a) Recovery through the capacity cost recovery clause of
 2293 any preconstruction costs.

2294 (b) Recovery through an incremental increase in the
 2295 utility's capacity cost recovery clause rates of the carrying
 2296 costs on the utility's projected construction cost balance
 2297 associated with the nuclear or integrated gasification combined
 2298 cycle power plant. To encourage investment and provide
 2299 certainty, for nuclear or integrated gasification combined cycle
 2300 power plant need petitions submitted on or before December 31,
 2301 2010, associated carrying costs shall be equal to the pretax
 2302 AFUDC in effect upon this act becoming law. For nuclear or
 2303 integrated gasification combined cycle power plants for which
 2304 need petitions are submitted after December 31, 2010, the

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2305 utility's existing pretax AFUDC rate is presumed to be
 2306 appropriate unless determined otherwise by the commission in the
 2307 determination of need for the nuclear or integrated gasification
 2308 combined cycle power plant.

2309 (6) ~~If In the event~~ the utility elects not to complete or
 2310 is precluded from completing construction of the nuclear power
 2311 plant, including new, expanded, or relocated electrical
 2312 transmission lines or facilities necessary thereto, or of the
 2313 integrated gasification combined cycle power plant, the utility
 2314 shall be allowed to recover all prudent preconstruction and
 2315 construction costs incurred following the commission's issuance
 2316 of a final order granting a determination of need for the
 2317 nuclear power plant and electrical transmission lines and
 2318 facilities necessary thereto or for the integrated gasification
 2319 combined cycle power plant. The utility shall recover such costs
 2320 through the capacity cost recovery clause over a period equal to
 2321 the period during which the costs were incurred or 5 years,
 2322 whichever is greater. The unrecovered balance during the
 2323 recovery period will accrue interest at the utility's weighted
 2324 average cost of capital as reported in the commission's earnings
 2325 surveillance reporting requirement for the prior year.

2326 Section 40. Section 377.601, Florida Statutes, is amended
 2327 to read:

2328 377.601 Legislative intent.--

2329 (1) The Legislature finds that the state's energy security
 2330 can be increased by lessening dependence on foreign oil; that
 2331 the impacts of global climate change can be reduced through the
 2332 reduction of greenhouse gas emissions; and that the

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2333 implementation of alternative energy technologies can be a
2334 source of new jobs and employment opportunities for many
2335 Floridians. The Legislature further finds that the state is
2336 positioned at the front line against potential impacts of global
2337 climate change. Human and economic costs of those impacts can be
2338 averted by global actions and, where necessary, adapted to by a
2339 concerted effort to make Florida's communities more resilient
2340 and less vulnerable to these impacts. In focusing the
2341 government's policy and efforts to benefit and protect our
2342 state, its citizens, and its resources, the Legislature believes
2343 that a single government entity with a specific focus on energy
2344 and climate change is both desirable and advantageous ~~ability to~~
2345 ~~deal effectively with present shortages of resources used in the~~
2346 ~~production of energy is aggravated and intensified because of~~
2347 ~~inadequate or nonexistent information and that intelligent~~
2348 ~~response to these problems and to the development of a state~~
2349 ~~energy policy demands accurate and relevant information~~
2350 ~~concerning energy supply, distribution, and use. The Legislature~~
2351 ~~finds and declares that a procedure for the collection and~~
2352 ~~analysis of data on the energy flow in this state is essential~~
2353 ~~to the development and maintenance of an energy profile defining~~
2354 ~~the characteristics and magnitudes of present and future energy~~
2355 ~~demands and availability so that the state may rationally deal~~
2356 ~~with present energy problems and anticipate future energy~~
2357 ~~problems.~~

2358 ~~(2) The Legislature further recognizes that every state~~
2359 ~~official dealing with energy problems should have current and~~
2360 ~~reliable information on the types and quantity of energy~~

2361 ~~resources produced, imported, converted, distributed, exported,~~
 2362 ~~stored, held in reserve, or consumed within the state.~~

2363 ~~(3) It is the intent of the Legislature in the passage of~~
 2364 ~~this act to provide the necessary mechanisms for the effective~~
 2365 ~~development of information necessary to rectify the present lack~~
 2366 ~~of information which is seriously handicapping the state's~~
 2367 ~~ability to deal effectively with the energy problem. To this~~
 2368 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 2369 ~~broadest possible interpretation consistent with the stated~~
 2370 ~~legislative desire to procure vital information.~~

2371 (2) ~~(4)~~ It is the policy of the State of Florida to:

2372 (a) Develop and promote the effective use of energy in the
 2373 state, ~~and~~ discourage all forms of energy waste, and recognize
 2374 and address the potential of global climate change wherever
 2375 possible.

2376 (b) Play a leading role in developing and instituting
 2377 energy management programs aimed at promoting energy
 2378 conservation, energy security, and the reduction of greenhouse
 2379 gas emissions.

2380 (c) Include energy considerations in all state, regional,
 2381 and local planning.

2382 (d) Utilize and manage effectively energy resources used
 2383 within state agencies.

2384 (e) Encourage local governments to include energy
 2385 considerations in all planning and to support their work in
 2386 promoting energy management programs.

2387 (f) Include the full participation of citizens in the
 2388 development and implementation of energy programs.

2389 (g) Consider in its decisions the energy needs of each
 2390 economic sector, including residential, industrial, commercial,
 2391 agricultural, and governmental uses, and reduce those needs
 2392 whenever possible.

2393 (h) Promote energy education and the public dissemination
 2394 of information on energy and its environmental, economic, and
 2395 social impact.

2396 (i) Encourage the research, development, demonstration,
 2397 and application of alternative energy resources, particularly
 2398 renewable energy resources.

2399 (j) Consider, in its decisionmaking, the social, economic,
 2400 and environmental impacts of energy-related activities,
 2401 including the whole-life-cycle impacts of any potential energy
 2402 use choices, so that detrimental effects of these activities are
 2403 understood and minimized.

2404 (k) Develop and maintain energy emergency preparedness
 2405 plans to minimize the effects of an energy shortage within
 2406 Florida.

2407 Section 41. All of the powers, duties, functions, records,
 2408 personnel, and property; unexpended balances of appropriations,
 2409 allocations, and other funds; administrative authority;
 2410 administrative rules; pending issues; and existing contracts of
 2411 the Florida Energy Commission relating to the administration of
 2412 s. 377.901, Florida Statutes, are transferred by a type two
 2413 transfer, pursuant to s. 20.06(2), Florida Statutes, from the
 2414 Office of Legislative Services to the Florida Energy and Climate
 2415 Commission in the Executive Office of the Governor.

2416 Section 42. Section 377.6015, Florida Statutes, is created

2417 to read:

2418 377.6015 Florida Energy and Climate Commission.--

2419 (1) The Florida Energy and Climate Commission is created
 2420 within the Executive Office of the Governor. The commission
 2421 shall be comprised of nine members appointed by the Governor,
 2422 the Commissioner of Agriculture, and the Chief Financial
 2423 Officer.

2424 (a) The Governor shall appoint one member from three
 2425 persons nominated by the Florida Public Service Commission
 2426 Nominating Council, created in s. 350.031, to each of seven
 2427 seats on the commission. The Commissioner of Agriculture shall
 2428 appoint one member from three persons nominated by the council
 2429 to one seat on the commission. The Chief Financial Officer shall
 2430 appoint one member from three persons nominated by the council
 2431 to one seat on the commission.

2432 1. The council shall submit the recommendations to the
 2433 Governor, the Commissioner of Agriculture, and the Chief
 2434 Financial Officer by September 1 of those years in which the
 2435 terms are to begin the following October or within 60 days after
 2436 a vacancy occurs for any reason other than the expiration of the
 2437 term. The Governor, the Commissioner of Agriculture, and the
 2438 Chief Financial Officer may proffer names of persons to be
 2439 considered for nomination by the council.

2440 2. The Governor, the Commissioner of Agriculture, and the
 2441 Chief Financial Officer shall fill a vacancy occurring on the
 2442 commission by appointment of one of the applicants nominated by
 2443 the council only after a background investigation of such
 2444 applicant has been conducted by the Department of Law

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2445 Enforcement.

2446 3. Members shall be appointed to 3-year terms; however, in
2447 order to establish staggered terms, for the initial
2448 appointments, the Governor shall appoint four members to 3-year
2449 terms, two members to 2-year terms, and one member to a 1-year
2450 term, and the Commissioner of Agriculture and the Chief
2451 Financial Officer shall each appoint one member to a 3-year term
2452 and shall appoint a successor when that appointee's term expires
2453 in the same manner as the original appointment.

2454 4. The Governor shall select from the membership of the
2455 commission one person to serve as chair.

2456 5. A vacancy on the commission shall be filled for the
2457 unexpired portion of the term in the same manner as the original
2458 appointment.

2459 6. If the Governor, the Commissioner of Agriculture, or
2460 the Chief Financial Officer has not made an appointment within
2461 30 consecutive calendar days after the receipt of the
2462 recommendations, the council shall initiate, in accordance with
2463 this section, the nominating process within 30 days.

2464 7. Each appointment to the commission shall be subject to
2465 confirmation by the Senate during the next regular session after
2466 the vacancy occurs. If the Senate refuses to confirm or fails to
2467 consider the appointment of the Governor, the Commissioner of
2468 Agriculture, or the Chief Financial Officer, the council shall
2469 initiate, in accordance with this section, the nominating
2470 process within 30 days.

2471 8. The Governor or the Governor's successor may recall an
2472 appointee.

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2473 (b) Members must meet the following qualifications and
2474 restrictions:

2475 1. A member must be an expert in one or more of the
2476 following fields: energy, natural resource conservation,
2477 economics, engineering, finance, law, transportation and land
2478 use, consumer protection, state energy policy, or another field
2479 substantially related to the duties and functions of the
2480 commission. The commission shall fairly represent the fields
2481 specified in this subparagraph.

2482 2. Each member shall, at the time of appointment and at
2483 each commission meeting during his or her term of office,
2484 disclose:

2485 a. Whether he or she has any financial interest, other
2486 than ownership of shares in a mutual fund, in any business
2487 entity that, directly or indirectly, owns or controls, or is an
2488 affiliate or subsidiary of, any business entity that may be
2489 affected by the policy recommendations developed by the
2490 commission.

2491 b. Whether he or she is employed by or is engaged in any
2492 business activity with any business entity that, directly or
2493 indirectly, owns or controls, or is an affiliate or subsidiary
2494 of, any business entity that may be affected by the policy
2495 recommendations developed by the commission.

2496 (c) The chair may designate the following ex officio,
2497 nonvoting members to provide information and advice to the
2498 commission at the request of the chair:

2499 1. The chair of the Florida Public Service Commission, or
2500 his or her designee.

- 2501 2. The Public Counsel, or his or her designee.
- 2502 3. A representative of the Department of Agriculture and
- 2503 Consumer Services.
- 2504 4. A representative of the Department of Financial
- 2505 Services.
- 2506 5. A representative of the Department of Environmental
- 2507 Protection.
- 2508 6. A representative of the Department of Community
- 2509 Affairs.
- 2510 7. A representative of the Board of Governors of the State
- 2511 University System.
- 2512 8. A representative of the Department of Transportation.
- 2513 (2) Members shall serve without compensation but are
- 2514 entitled to reimbursement for per diem and travel expenses as
- 2515 provided in s. 112.061.
- 2516 (3) Meetings of the commission may be held in various
- 2517 locations around the state and at the call of the chair;
- 2518 however, the commission must meet at least six times each year.
- 2519 (4) The commission may:
- 2520 (a) Employ staff and counsel as needed in the performance
- 2521 of its duties.
- 2522 (b) Prosecute and defend legal actions in its own name.
- 2523 (c) Form advisory groups consisting of members of the
- 2524 public to provide information on specific issues.
- 2525 (5) The commission shall:
- 2526 (a) Administer the Florida Renewable Energy and Energy
- 2527 Efficient Technologies Grants Program pursuant to s. 377.804 to
- 2528 assure a robust grant portfolio.

- 2529 (b) Develop policy for requiring grantees to provide
- 2530 royalty-sharing or licensing agreements with state government
- 2531 for commercialized products developed under a state grant.
- 2532 (c) Administer the Florida Green Government Grants Act
- 2533 pursuant to s. 377.808 and set annual priorities for grants.
- 2534 (d) Administer the information gathering and reporting
- 2535 functions pursuant to ss. 377.601-377.608.
- 2536 (e) Administer petroleum planning and emergency
- 2537 contingency planning pursuant to ss. 377.703 and 377.704.
- 2538 (f) Represent Florida in the Southern States Energy
- 2539 Compact pursuant to ss. 377.71-377.712.
- 2540 (g) Complete the annual assessment of the efficacy of
- 2541 Florida's Energy and Climate Change Action Plan, upon completion
- 2542 by the Governor's Action Team on Energy and Climate Change
- 2543 pursuant to the Governor's Executive Order 2007-128, and
- 2544 provide specific recommendations to the Governor and the
- 2545 Legislature each year to improve results.
- 2546 (h) Administer the provisions of the Florida Energy and
- 2547 Climate Protection Act pursuant to ss. 377.801-377.806.
- 2548 (i) Advocate for energy and climate change issues and
- 2549 provide educational outreach and technical assistance in
- 2550 cooperation with the state's academic institutions.
- 2551 (j) Be a party in the proceedings to adopt goals and
- 2552 submit comments to the Public Service Commission pursuant to s.
- 2553 366.82.
- 2554 (k) Adopt rules pursuant to chapter 120 in order to
- 2555 implement all powers and duties described in this section.

2556 Section 43. Section 377.602, Florida Statutes, is amended
 2557 to read:

2558 377.602 Definitions.--As used in ss. 377.601-377.608:

2559 (1) "Commission" means the Florida Energy and Climate
 2560 Commission.

2561 (2)~~(1)~~ "Energy resources" includes, but shall not be
 2562 limited to:

2563 (a) Energy converted from solar radiation, wind, hydraulic
 2564 potential, tidal movements, biomass, geothermal sources, and
 2565 other energy resources the commission determines to be important
 2566 to the production or supply of energy.

2567 (b)~~(a)~~ Propane, butane, motor gasoline, kerosene, home
 2568 heating oil, diesel fuel, other middle distillates, aviation
 2569 gasoline, kerosene-type jet fuel, naphtha-type jet fuel,
 2570 residual fuels, crude oil, and other petroleum products and
 2571 hydrocarbons as may be determined by the commission ~~department~~
 2572 to be of importance.

2573 (c)~~(b)~~ All natural gas, including casinghead gas, all
 2574 other hydrocarbons not defined as petroleum products in
 2575 paragraph (b) ~~(a)~~, and liquefied petroleum gas as defined in s.
 2576 527.01.

2577 (d)~~(e)~~ All types of coal and products derived from its
 2578 conversion and used as fuel.

2579 (e)~~(d)~~ All types of nuclear energy, special nuclear
 2580 material, and source material, as defined in former s. 290.07.

2581 ~~(c) Every other energy resource, whether natural or~~
 2582 ~~manmade which the department determines to be important to the~~
 2583 ~~production or supply of energy, including, but not limited to,~~

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2584 ~~energy converted from solar radiation, wind, hydraulic~~
 2585 ~~potential, tidal movements, and geothermal sources.~~

2586 (f) All electrical energy.

2587 ~~(2) "Department" means the Department of Environmental~~
 2588 ~~Protection.~~

2589 (3) "Person" means producer, refiner, wholesaler,
 2590 marketer, consignee, jobber, distributor, storage operator,
 2591 importer, exporter, firm, corporation, broker, cooperative,
 2592 public utility as defined in s. 366.02, rural electrification
 2593 cooperative, municipality engaged in the business of providing
 2594 electricity or other energy resources to the public, pipeline
 2595 company, person transporting any energy resources as defined in
 2596 subsection (2) ~~(1)~~, and person holding energy reserves for
 2597 further production; however, "person" does not include persons
 2598 exclusively engaged in the retail sale of petroleum products.

2599 Section 44. All of the powers, duties, functions, records,
 2600 personnel, and property; unexpended balances of appropriations,
 2601 allocations, and other funds; administrative authority;
 2602 administrative rules; pending issues; and existing contracts of
 2603 the state energy program in the Department of Environmental
 2604 Protection, as authorized and governed by ss. 20.255, 288.041,
 2605 377.601-377.608, 377.703, and 377.801-377.806, Florida Statutes,
 2606 are transferred by a type two transfer, pursuant to s. 20.06(2),
 2607 Florida Statutes, to the Florida Energy and Climate Commission
 2608 in the Executive Office of the Governor.

2609 Section 45. Section 377.603, Florida Statutes, is amended
 2610 to read:

2611 377.603 Energy data collection; powers and duties of the
2612 commission ~~Department of Environmental Protection~~.--

2613 (1) The commission ~~department~~ shall collect data on
2614 the extraction, production, importation, exportation,
2615 refinement, transportation, transmission, conversion, storage,
2616 sale, or reserves of energy resources in this state in an
2617 efficient and expeditious manner.

2618 (2) The commission ~~department~~ shall prepare periodic
2619 reports of energy data it collects.

2620 ~~(3) The department shall prescribe and furnish forms for
2621 the collection of information as required by ss. 377.601-377.608
2622 and shall consult with other state entities to assure that such
2623 data collected will meet their data requirements.~~

2624 (3)~~(4)~~ The commission ~~department~~ may adopt and promulgate
2625 such rules and regulations as are necessary to carry out the
2626 provisions of ss. 377.601-377.608. Such rules shall be pursuant
2627 to chapter 120.

2628 (4)~~(5)~~ The commission ~~department~~ shall maintain internal
2629 validation procedures to assure the accuracy of information
2630 received.

2631 Section 46. Section 377.604, Florida Statutes, is amended
2632 to read:

2633 377.604 Required reports.--Every person who produces,
2634 imports, exports, refines, transports, transmits, converts,
2635 stores, sells, or holds known reserves of any form of energy
2636 resources used as fuel shall report to the commission, at the
2637 request of department ~~at a frequency set~~, and in a manner
2638 prescribed, by the commission ~~department~~, on forms provided by

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2639 the commission ~~department~~ and prepared with the advice of
 2640 ~~representatives of the energy industry~~. Such forms shall be
 2641 designed in such a manner as to indicate:

2642 (1) The identity of the person or persons making the
 2643 report.

2644 (2) The quantity of energy resources extracted, produced,
 2645 imported, exported, refined, transported, transmitted,
 2646 converted, stored, or sold except at retail.

2647 (3) The quantity of energy resources known to be held in
 2648 reserve in the state.

2649 (4) The identity of each refinery from which petroleum
 2650 products have normally been obtained and the type and quantity
 2651 of products secured from that refinery for sale or resale in
 2652 this state.

2653 (5) Any other information which the commission ~~department~~
 2654 deems proper pursuant to the intent of ss. 377.601-377.608.

2655 Section 47. Section 377.605, Florida Statutes, is amended
 2656 to read:

2657 377.605 Use of existing information.--The commission may
 2658 ~~department shall~~ utilize to the fullest extent possible any
 2659 existing energy information already prepared for state or
 2660 federal agencies. Every state, county, and municipal agency
 2661 shall cooperate with the commission ~~department~~ and shall submit
 2662 any information on energy to the commission ~~department~~ upon
 2663 request.

2664 Section 48. Section 377.606, Florida Statutes, is amended
 2665 to read:

2666 377.606 Records of the commission ~~department~~; limits of
 2667 confidentiality.--The information or records of individual
 2668 persons, as defined in this section ~~herein~~, obtained by the
 2669 commission ~~department~~ as a result of a report, investigation, or
 2670 verification required by the commission ~~department~~, shall be
 2671 open to the public, except such information the disclosure of
 2672 which would be likely to cause substantial harm to the
 2673 competitive position of the person providing such information
 2674 and which is requested to be held confidential by the person
 2675 providing such information. Such proprietary information is
 2676 confidential and exempt from the provisions of s. 119.07(1).
 2677 Information reported by entities other than the commission
 2678 ~~department~~ in documents or reports open to public inspection
 2679 shall under no circumstances be classified as confidential by
 2680 the commission ~~department~~. Divulgence of proprietary information
 2681 as is requested to be held confidential, except upon order of a
 2682 court of competent jurisdiction or except to an officer of the
 2683 state entitled to receive the same in his or her official
 2684 capacity, shall be a misdemeanor of the second degree,
 2685 punishable as provided in ss. 775.082 and 775.083. Nothing in
 2686 this section ~~herein~~ shall be construed to prohibit the
 2687 publication or divulgence by other means of data so classified
 2688 as to prevent identification of particular accounts or reports
 2689 made to the commission ~~department~~ in compliance with s. 377.603
 2690 or to prohibit the disclosure of such information to properly
 2691 qualified legislative committees. The commission ~~department~~
 2692 shall establish a system which permits reasonable access to
 2693 information developed.

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2694 Section 49. Section 377.608, Florida Statutes, is amended
 2695 to read:

2696 377.608 Prosecution of cases by state attorney.--The state
 2697 attorney shall prosecute all cases certified to him or her for
 2698 prosecution by the commission ~~department~~ immediately upon
 2699 receipt of the evidence transmitted by the commission
 2700 ~~department~~, or as soon thereafter as practicable.

2701 Section 50. Section 377.703, Florida Statutes, is amended
 2702 to read:

2703 377.703 Additional functions of the Florida Energy and
 2704 Climate Commission ~~Department of Environmental Protection,~~
 2705 ~~energy emergency contingency plan; federal and state~~
 2706 ~~conservation programs.--~~

2707 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
 2708 and demand questions have become a major area of concern to the
 2709 state which must be dealt with by effective and well-coordinated
 2710 state action, it is the intent of the Legislature to promote the
 2711 efficient, effective, and economical management of energy
 2712 problems, centralize energy coordination responsibilities,
 2713 pinpoint responsibility for conducting energy programs, and
 2714 ensure the accountability of state agencies for the
 2715 implementation of s. 377.601(2)~~(4)~~, the state energy policy. It
 2716 is the specific intent of the Legislature that nothing in this
 2717 act shall in any way change the powers, duties, and
 2718 responsibilities assigned by the Florida Electrical Power Plant
 2719 Siting Act, part II of chapter 403, or the powers, duties, and
 2720 responsibilities of the Florida Public Service Commission.

2721 ~~(2) DEFINITIONS.--~~

2722 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
2723 ~~the examination and evaluation of state plans and programs and~~
2724 ~~the providing of recommendations to the Cabinet, Legislature,~~
2725 ~~and appropriate state agency on any measures deemed necessary to~~
2726 ~~ensure that such plans and programs are consistent with state~~
2727 ~~energy policy.~~

2728 ~~(b) "Energy conservation" means increased efficiency in~~
2729 ~~the utilization of energy.~~

2730 ~~(c) "Energy emergency" means an actual or impending~~
2731 ~~shortage or curtailment of usable, necessary energy resources,~~
2732 ~~such that the maintenance of necessary services, the protection~~
2733 ~~of public health, safety, and welfare, or the maintenance of~~
2734 ~~basic sound economy is imperiled in any geographical section of~~
2735 ~~the state or throughout the entire state.~~

2736 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
2737 ~~power, wind power, hydroelectric power, nuclear power, or any~~
2738 ~~other resource which has the capacity to do work.~~

2739 ~~(e) "Facilities" means any building or structure not~~
2740 ~~otherwise exempted by the provisions of this act.~~

2741 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
2742 ~~coal, natural gas, or any other substance used primarily for its~~
2743 ~~energy content.~~

2744 ~~(g) "Local government" means any county, municipality,~~
2745 ~~regional planning agency, or other special district or local~~
2746 ~~governmental entity the policies or programs of which may affect~~
2747 ~~the supply or demand, or both, for energy in the state.~~

2748 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
 2749 ~~assist, provide technical and financial assistance, or otherwise~~
 2750 ~~seek to plan, develop, and expand.~~

2751 ~~(i) "Regional planning agency" means those agencies~~
 2752 ~~designated as regional planning agencies by the Department of~~
 2753 ~~Community Affairs.~~

2754 ~~(j) "Renewable energy resource" means any method, process,~~
 2755 ~~or substance the use of which does not diminish its availability~~
 2756 ~~or abundance, including, but not limited to, biomass conversion,~~
 2757 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
 2758 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
 2759 ~~and fuels derived from agricultural products.~~

2760 ~~(2)(3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF~~
 2761 ~~ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department of~~
 2762 ~~Environmental Protection shall, in addition to assuming the~~
 2763 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
 2764 ~~perform the following functions consistent with the development~~
 2765 ~~of a state energy policy:~~

2766 (a) The commission ~~department~~ shall assume the
 2767 responsibility for development of an energy emergency
 2768 contingency plan to respond to serious shortages of primary and
 2769 secondary energy sources. Upon a finding by the Governor,
 2770 implementation of any emergency program shall be upon order of
 2771 the Governor that a particular kind or type of fuel is, or that
 2772 the occurrence of an event which is reasonably expected within
 2773 30 days will make the fuel, in short supply. The commission
 2774 ~~department~~ shall then respond by instituting the appropriate
 2775 measures of the contingency plan to meet the given emergency or

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2776 energy shortage. The Governor may utilize the provisions of s.
 2777 252.36(5) to carry out any emergency actions required by a
 2778 serious shortage of energy sources.

2779 (b) The commission ~~department~~ shall be ~~constitute~~ the
 2780 responsible ~~state agency~~ for performing or coordinating the
 2781 functions of any federal energy programs delegated to the state,
 2782 including energy supply, demand, conservation, or allocation.

2783 (c) The commission ~~department~~ shall analyze present and
 2784 proposed federal energy programs and make recommendations
 2785 regarding those programs to the Governor and the Legislature.

2786 (d) The commission ~~department~~ shall coordinate efforts to
 2787 seek federal support or other support for state energy
 2788 activities, including energy conservation, research, or
 2789 development, and shall be ~~the state agency~~ responsible for the
 2790 coordination of multiagency energy conservation programs and
 2791 plans.

2792 (e) The commission ~~department~~ shall analyze energy data
 2793 collected and prepare long-range forecasts of energy supply and
 2794 demand in coordination with the Florida Public Service
 2795 Commission, which shall have responsibility for electricity and
 2796 natural gas forecasts. To this end, the forecasts shall contain:

2797 1. An analysis of the relationship of state economic
 2798 growth and development to energy supply and demand, including
 2799 the constraints to economic growth resulting from energy supply
 2800 constraints.

2801 2. Plans for the development of renewable energy resources
 2802 and reduction in dependence on depletable energy resources,
 2803 particularly oil and natural gas, and an analysis of the extent

2804 to which renewable energy sources are being utilized in the
 2805 state.

2806 3. Consideration of alternative scenarios of statewide
 2807 energy supply and demand for 5, 10, and 20 years, to identify
 2808 strategies for long-range action, including identification of
 2809 potential social, economic, and environmental effects.

2810 4. An assessment of the state's energy resources,
 2811 including examination of the availability of commercially
 2812 developable and imported fuels, and an analysis of anticipated
 2813 effects on the state's environment and social services resulting
 2814 from energy resource development activities or from energy
 2815 supply constraints, or both.

2816 (f) The commission ~~department~~ shall submit an annual
 2817 report to ~~make a report, as requested by~~ the Governor and ~~or~~ the
 2818 Legislature, reflecting its activities and making
 2819 recommendations of policies for improvement of the state's
 2820 response to energy supply and demand and its effect on the
 2821 health, safety, and welfare of the people of Florida. The report
 2822 shall include a report from the Florida Public Service
 2823 Commission on electricity and natural gas and information on
 2824 energy conservation programs conducted and underway ~~under way~~ in
 2825 the past year and shall include recommendations for energy
 2826 conservation programs for the state, including, but not limited
 2827 to, the following factors:

2828 1. Formulation of specific recommendations for improvement
 2829 in the efficiency of energy utilization in governmental,
 2830 residential, commercial, industrial, and transportation sectors.

2831 2. Collection and dissemination of information relating to
2832 energy conservation.

2833 3. Development and conduct of educational and training
2834 programs relating to energy conservation.

2835 4. An analysis of the ways in which state agencies are
2836 seeking to implement s. 377.601(2)(4), the state energy policy,
2837 and recommendations for better fulfilling this policy.

2838 (g) The commission ~~department~~ has authority to adopt rules
2839 pursuant to ss. 120.536(1) and 120.54 to implement the
2840 provisions of this act.

2841 (h) The commission shall promote the development and use
2842 of renewable energy resources, in conformance with the
2843 provisions of chapter 187 and s. 377.601, by:

2844 1. Establishing goals and strategies for increasing the
2845 use of solar energy in this state.

2846 2. Aiding and promoting the commercialization of solar
2847 energy technology, in cooperation with the Florida Solar Energy
2848 Center, Enterprise Florida, Inc., and any other federal, state,
2849 or local governmental agency which may seek to promote research,
2850 development, and demonstration of solar energy equipment and
2851 technology.

2852 3. Identifying barriers to greater use of solar energy
2853 systems in this state, and developing specific recommendations
2854 for overcoming identified barriers, with findings and
2855 recommendations to be submitted annually in the report to the
2856 Governor and Legislature required under paragraph (f).

2857 4. In cooperation with the Department of Environmental
2858 Protection, the Department of Transportation, the Department of

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2859 | Community Affairs, Enterprise Florida, Inc., the Florida Solar
 2860 | Energy Center, and the Florida Solar Energy Industries
 2861 | Association, investigating opportunities, pursuant to the
 2862 | National Energy Policy Act of 1992, ~~and~~ the Housing and
 2863 | Community Development Act of 1992, and any subsequent federal
 2864 | legislation, for solar electric vehicles and other solar energy
 2865 | manufacturing, distribution, installation, and financing efforts
 2866 | which will enhance this state's position as the leader in solar
 2867 | energy research, development, and use.

2868 | 5. Undertaking other initiatives to advance the
 2869 | development and use of renewable energy resources in this state.

2870 |
 2871 | In the exercise of its responsibilities under this paragraph,
 2872 | the commission ~~department~~ shall seek the assistance of the solar
 2873 | energy industry in this state and other interested parties and
 2874 | is authorized to enter into contracts, retain professional
 2875 | consulting services, and expend funds appropriated by the
 2876 | Legislature for such purposes.

2877 | (i) The commission ~~department~~ shall promote energy
 2878 | conservation in all energy use sectors throughout the state and
 2879 | shall constitute the state agency primarily responsible for this
 2880 | function. To this end, the commission ~~department~~ shall
 2881 | coordinate the energy conservation programs of all state
 2882 | agencies and review and comment on the energy conservation
 2883 | programs of all state agencies.

2884 | (j) The commission ~~department~~ shall serve as the state
 2885 | clearinghouse for indexing and gathering all information related
 2886 | to energy programs in state universities, in private

2887 universities, in federal, state, and local government agencies,
 2888 and in private industry and shall prepare and distribute such
 2889 information in any manner necessary to inform and advise the
 2890 citizens of the state of such programs and activities. This
 2891 shall include developing and maintaining a current index and
 2892 profile of all research activities, which shall be identified by
 2893 energy area and may include a summary of the project, the amount
 2894 and sources of funding, anticipated completion dates, or, in
 2895 case of completed research, conclusions, recommendations, and
 2896 applicability to state government and private sector functions.
 2897 The commission ~~department~~ shall coordinate, promote, and respond
 2898 to efforts by all sectors of the economy to seek financial
 2899 support for energy activities. The commission ~~department~~ shall
 2900 provide information to consumers regarding the anticipated
 2901 energy-use and energy-saving characteristics of products and
 2902 services in coordination with any federal, state, or local
 2903 governmental agencies as may provide such information to
 2904 consumers.

2905 (k) The commission ~~department~~ shall coordinate energy-
 2906 related programs of state government, including, but not limited
 2907 to, the programs provided in this section. To this end, the
 2908 commission ~~department~~ shall:

2909 1. Provide assistance to other state agencies, counties,
 2910 municipalities, and regional planning agencies to further and
 2911 promote their energy planning activities.

2912 2. Require, in cooperation with the Department of
 2913 Management Services, all state agencies to operate state-owned
 2914 and state-leased buildings in accordance with energy

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2915 conservation standards as adopted by the Department of
 2916 Management Services. Every 3 months, the Department of
 2917 Management Services shall furnish the commission ~~department~~ data
 2918 on agencies' energy consumption and emissions of greenhouse
 2919 gases in a format prescribed by the commission ~~mutually agreed~~
 2920 ~~upon by the two departments.~~

2921 3. Promote the development and use of renewable energy
 2922 resources, energy efficiency technologies, and conservation
 2923 measures.

2924 4. Promote the recovery of energy from wastes, including,
 2925 but not limited to, the use of waste heat, the use of
 2926 agricultural products as a source of energy, and recycling of
 2927 manufactured products. Such promotion shall be conducted in
 2928 conjunction with, and after consultation with, the Department of
 2929 Environmental Protection and, the Florida Public Service
 2930 Commission where electrical generation or natural gas is
 2931 involved, and any other relevant federal, state, or local
 2932 governmental agency having responsibility for resource recovery
 2933 programs.

2934 (1) The commission ~~department~~ shall develop, coordinate,
 2935 and promote a comprehensive research plan for state programs.
 2936 Such plan shall be consistent with state energy policy and shall
 2937 be updated on a biennial basis.

2938 (m) In recognition of the devastation to the economy of
 2939 this state and the dangers to the health and welfare of
 2940 residents of this state caused by severe hurricanes ~~Hurricane~~
 2941 ~~Andrew~~, and the potential for such impacts caused by other
 2942 natural disasters, the commission ~~department~~ shall include in

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2943 its energy emergency contingency plan and provide to the Florida
 2944 Building Commission ~~Department of Community Affairs~~ for
 2945 inclusion in the Florida Energy Efficiency Code for Building
 2946 Construction ~~state model energy efficiency building code~~
 2947 specific provisions to facilitate the use of cost-effective
 2948 solar energy technologies as emergency remedial and preventive
 2949 measures for providing electric power, street lighting, and
 2950 water heating service in the event of electric power outages.

2951 ~~(3)~~~~(4)~~ The commission ~~department~~ shall be responsible for
 2952 the administration of the Coastal Energy Impact Program provided
 2953 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

2954 Section 51. Paragraph (a) of subsection (2) of section
 2955 377.705, Florida Statutes, is amended to read:

2956 377.705 Solar Energy Center; development of solar energy
 2957 standards.--

2958 (2) LEGISLATIVE FINDINGS AND INTENT.--

2959 (a) ~~The Legislature recognizes that if present trends~~
 2960 ~~continue, Florida will increase present energy consumption~~
 2961 ~~sixfold by the year 2000. Because of this dramatic increase and~~
 2962 ~~because existing domestic conventional energy resources will not~~
 2963 ~~provide sufficient energy to meet the nation's future needs, new~~
 2964 ~~sources of energy must be developed and applied. One such~~
 2965 ~~source, solar energy, has been in limited use in Florida for 30~~
 2966 ~~years. Applications of incident solar energy, the use of solar~~
 2967 ~~radiation to provide energy for water heating, space heating,~~
 2968 ~~space cooling, and other uses, through suitable absorbing~~
 2969 ~~equipment on or near a residence or commercial structure, must~~
 2970 ~~be extensively expanded. Unfortunately, the initial costs with~~

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2971 ~~regard to the production of solar energy have been prohibitively~~
 2972 ~~expensive. However,~~ Because of increases in the cost of
 2973 conventional fuel, certain applications of solar energy are
 2974 becoming competitive, particularly when life-cycle costs are
 2975 considered. It is the intent of the Legislature in formulating a
 2976 sound and balanced energy policy for the state to encourage the
 2977 development of an alternative energy capability in the form of
 2978 incident solar energy.

2979 Section 52. Section 377.801, Florida Statutes, is amended
 2980 to read:

2981 377.801 Short title.--Sections 377.801-377.806 may be
 2982 cited as the "Florida Energy and Climate Protection Renewable
 2983 ~~Energy Technologies and Energy Efficiency Act.~~"

2984 Section 53. Section 377.802, Florida Statutes, is amended
 2985 to read:

2986 377.802 Purpose.--This act is intended to provide
 2987 incentives for Florida's citizens, businesses, school districts,
 2988 and local governments to take action to diversify the state's
 2989 energy supplies, reduce dependence on foreign oil, and mitigate
 2990 the effects of climate change by providing funding for
 2991 activities designed to achieve these goals. The grant programs
 2992 in this act are intended ~~matching grants~~ to stimulate capital
 2993 investment in ~~the state~~ and ~~to~~ enhance the market for ~~and~~
 2994 ~~promote the statewide utilization of~~ renewable energy
 2995 technologies and technologies intended to diversify Florida's
 2996 energy supplies, reduce dependence on foreign oil, and combat or
 2997 limit climate change impacts. ~~The targeted grants program is~~
 2998 ~~designed to advance the already growing establishment of~~

2999 ~~renewable energy technologies in the state and encourage the use~~
 3000 ~~of other incentives such as tax exemptions and regulatory~~
 3001 ~~certainty to attract additional renewable energy technology~~
 3002 ~~producers, developers, and users to the state.~~ This act is also
 3003 intended to provide incentives for the purchase of energy-
 3004 efficient appliances and rebates for solar energy equipment
 3005 installations for residential and commercial buildings.

3006 Section 54. Section 377.803, Florida Statutes, is amended
 3007 to read:

3008 377.803 Definitions.--As used in ss. 377.801-377.806, the
 3009 term:

3010 (1) "Act" means the Florida Energy and Climate Protection
 3011 ~~Renewable Energy Technologies and Energy Efficiency Act.~~

3012 ~~(2) "Approved metering equipment" means a device capable~~
 3013 ~~of measuring the energy output of a solar thermal system that~~
 3014 ~~has been approved by the commission.~~

3015 ~~(2)(3)~~ "Commission" means the Florida Energy and Climate
 3016 ~~Public Service Commission.~~

3017 ~~(4) "Department" means the Department of Environmental~~
 3018 ~~Protection.~~

3019 ~~(3)(5)~~ "Person" means an individual, partnership, joint
 3020 venture, private or public corporation, association, firm,
 3021 public service company, or any other public or private entity.

3022 ~~(4)(6)~~ "Renewable energy" means electrical, mechanical, or
 3023 thermal energy produced from a method that uses one or more of
 3024 the following fuels or energy sources: hydrogen, biomass, as
 3025 defined in s. 366.91, solar energy, geothermal energy, wind
 3026 energy, ocean energy, waste heat, or hydroelectric power.

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3027 ~~(5)-(7)~~ "Renewable energy technology" means any technology
 3028 that generates or utilizes a renewable energy resource.

3029 ~~(6)-(8)~~ "Solar energy system" means equipment that provides
 3030 for the collection and use of incident solar energy for water
 3031 heating, space heating or cooling, or other applications that
 3032 would normally require a conventional source of energy such as
 3033 petroleum products, natural gas, or electricity that performs
 3034 primarily with solar energy. In other systems in which solar
 3035 energy is used in a supplemental way, only those components that
 3036 collect and transfer solar energy shall be included in this
 3037 definition.

3038 ~~(7)-(9)~~ "Solar photovoltaic system" means a device that
 3039 converts incident sunlight into electrical current.

3040 ~~(8)-(10)~~ "Solar thermal system" means a device that traps
 3041 heat from incident sunlight in order to heat water.

3042 Section 55. Section 377.804, Florida Statutes, as amended
 3043 by section 52 of chapter 2007-73, Laws of Florida, is amended to
 3044 read:

3045 377.804 Renewable Energy and Energy-Efficient Technologies
 3046 Grants Program.--

3047 (1) The Renewable Energy and Energy-Efficient Technologies
 3048 Grants Program is established within the commission ~~department~~
 3049 to provide renewable energy matching grants for demonstration,
 3050 commercialization, research, and development projects relating
 3051 to renewable energy technologies and innovative technologies
 3052 that significantly increase energy efficiency for vehicles and
 3053 commercial buildings.

3054 (2) Matching grants for ~~renewable energy technology~~
 3055 ~~demonstration, commercialization, research, and development~~
 3056 projects described in subsection (1) may be made to any of the
 3057 following:

3058 (a) Municipalities and county governments.

3059 (b) Established for-profit companies licensed to do
 3060 business in the state.

3061 (c) Universities and colleges in the state.

3062 (d) Utilities located and operating within the state.

3063 (e) Not-for-profit organizations.

3064 (f) Other qualified persons, as determined by the
 3065 commission ~~department~~.

3066 (3) The commission ~~department~~ may adopt rules pursuant to
 3067 ss. 120.536(1) and 120.54 to provide for application
 3068 requirements, provide for ranking of applications, and
 3069 administer the awarding of grants under this program.

3070 (4) Factors the commission ~~department~~ shall consider in
 3071 awarding grants include, but are not limited to:

3072 (a) The availability of matching funds or other in-kind
 3073 contributions applied to the total project from an applicant.
 3074 The commission ~~department~~ shall give greater preference to
 3075 projects that provide such matching funds or other in-kind
 3076 contributions.

3077 (b) The degree to which the project stimulates in-state
 3078 capital investment and economic development in metropolitan and
 3079 rural areas, including the creation of jobs and the future
 3080 development of a commercial market for renewable energy
 3081 technologies.

3082 (c) The extent to which the proposed project has been
 3083 demonstrated to be technically feasible based on pilot project
 3084 demonstrations, laboratory testing, scientific modeling, or
 3085 engineering or chemical theory that supports the proposal.

3086 (d) The degree to which the project incorporates an
 3087 innovative new technology or an innovative application of an
 3088 existing technology.

3089 (e) The degree to which a project generates thermal,
 3090 mechanical, or electrical energy by means of a renewable energy
 3091 resource that has substantial long-term production potential.

3092 (f) The degree to which a project demonstrates efficient
 3093 use of energy and material resources.

3094 (g) The degree to which the project fosters overall
 3095 understanding and appreciation of renewable energy technologies.

3096 (h) The ability to administer a complete project.

3097 (i) Project duration and timeline for expenditures.

3098 (j) The geographic area in which the project is to be
 3099 conducted in relation to other projects.

3100 (k) The degree of public visibility and interaction.

3101 (5) The commission ~~department~~ shall solicit the expertise
 3102 of ~~other~~ state agencies, Enterprise Florida, Inc., and state
 3103 universities, and may solicit the expertise of other public and
 3104 private entities it deems appropriate, in evaluating project
 3105 proposals. State agencies shall cooperate with the commission
 3106 ~~Department of Environmental Protection~~ and provide such
 3107 assistance as requested.

3108 (6) The commission ~~department~~ shall coordinate and
 3109 actively consult with the Department of Agriculture and Consumer

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3110 Services during the review and approval process of grants
3111 relating to bioenergy projects for renewable energy technology,
3112 ~~and the departments shall jointly determine the grant awards to~~
3113 ~~these bioenergy projects. No grant funding shall be awarded to~~
3114 ~~any bioenergy project without such joint approval.~~ Factors for
3115 consideration in awarding grants may include, but are not
3116 limited to, the degree to which:

3117 (a) The project stimulates in-state capital investment and
3118 economic development in metropolitan and rural areas, including
3119 the creation of jobs and the future development of a commercial
3120 market for bioenergy.

3121 (b) The project produces bioenergy from Florida-grown
3122 crops or biomass.

3123 (c) The project demonstrates efficient use of energy and
3124 material resources.

3125 (d) The project fosters overall understanding and
3126 appreciation of bioenergy technologies.

3127 (e) Matching funds and in-kind contributions from an
3128 applicant are available.

3129 (f) The project duration and the timeline for expenditures
3130 are acceptable.

3131 (g) The project has a reasonable assurance of enhancing
3132 the value of agricultural products or will expand agribusiness
3133 in the state.

3134 (h) Preliminary market and feasibility research has been
3135 conducted by the applicant or others and shows there is a
3136 reasonable assurance of a potential market.

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3137 (7) Each grant application shall be accompanied by an
 3138 affidavit from the applicant attesting to the accuracy of the
 3139 statements contained in the application.

3140 Section 56. Section 377.806, Florida Statutes, is amended
 3141 to read:

3142 377.806 Solar Energy System Incentives Program.--

3143 (1) PURPOSE.--The Solar Energy System Incentives Program
 3144 is established within the commission ~~department~~ to provide
 3145 financial incentives for the purchase and installation of solar
 3146 energy systems. Any resident of the state who purchases and
 3147 installs a new solar energy system of 2 kilowatts or larger for
 3148 a solar photovoltaic system, a solar energy system that provides
 3149 at least 50 percent of a building's hot water consumption for a
 3150 solar thermal system, or a solar thermal pool heater, from July
 3151 1, 2006, through June 30, 2010, is eligible for a rebate on a
 3152 portion of the purchase price of that solar energy system.

3153 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

3154 (a) Eligibility requirements.--A solar photovoltaic system
 3155 qualifies for a rebate if:

3156 1. The system is installed by a state-licensed master
 3157 electrician, electrical contractor, or solar contractor.

3158 2. The system complies with state interconnection
 3159 standards as provided by the Florida Public Service Commission.

3160 3. The system complies with all applicable building codes
 3161 as defined by the Florida Building Code ~~local jurisdictional~~
 3162 ~~authority~~.

3163 (b) Rebate amounts.--The rebate amount shall be set at \$4
 3164 per watt based on the total wattage rating of the system. The

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3165 maximum allowable rebate per solar photovoltaic system
 3166 installation shall be as follows:
 3167 1. Twenty thousand dollars for a residence.
 3168 2. One hundred thousand dollars for a place of business, a
 3169 publicly owned or operated facility, or a facility owned or
 3170 operated by a private, not-for-profit organization, including
 3171 condominiums or apartment buildings.
 3172 (3) SOLAR THERMAL SYSTEM INCENTIVE.--
 3173 (a) Eligibility requirements.--A solar thermal system
 3174 qualifies for a rebate if:
 3175 1. The system is installed by a state-licensed solar or
 3176 plumbing contractor.
 3177 2. The system complies with all applicable building codes
 3178 as defined by the Florida Building Code ~~local jurisdictional~~
 3179 ~~authority~~.
 3180 (b) Rebate amounts.--Authorized rebates for installation
 3181 of solar thermal systems shall be as follows:
 3182 1. Five hundred dollars for a residence.
 3183 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
 3184 for a place of business, a publicly owned or operated facility,
 3185 or a facility owned or operated by a private, not-for-profit
 3186 organization, including condominiums or apartment buildings. ~~Btu~~
 3187 ~~must be verified by approved metering equipment.~~
 3188 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--
 3189 (a) Eligibility requirements.--A solar thermal pool heater
 3190 qualifies for a rebate if the system is installed by a state-
 3191 licensed solar or plumbing contractor and the system complies

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3192 with all applicable building codes as defined by the Florida
 3193 Building Code ~~local jurisdictional authority~~.

3194 (b) Rebate amount.--Authorized rebates for installation of
 3195 solar thermal pool heaters shall be \$100 per installation.

3196 (5) APPLICATION.--Application for a rebate must be made
 3197 within 120 ~~90~~ days after the purchase of the solar energy
 3198 equipment.

3199 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
 3200 determine and publish on a regular basis the amount of rebate
 3201 funds remaining in each fiscal year. The total dollar amount of
 3202 all rebates issued ~~by the department~~ is subject to the total
 3203 amount of appropriations in any fiscal year for this program. If
 3204 funds are insufficient during the current fiscal year, any
 3205 requests for rebates received during that fiscal year may be
 3206 processed during the following fiscal year. Requests for rebates
 3207 received in a fiscal year that are processed during the
 3208 following fiscal year shall be given priority over requests for
 3209 rebates received during the following fiscal year.

3210 (7) RULES.--The commission ~~department~~ shall adopt rules
 3211 pursuant to ss. 120.536(1) and 120.54 to develop rebate
 3212 applications and administer the issuance of rebates.

3213 Section 57. Section 377.808, Florida Statutes, is created
 3214 to read:

3215 377.808 Florida Green Government Grants Act.--

3216 (1) This section may be cited as the "Florida Green
 3217 Government Grants Act."

3218 (2) The Florida Energy and Climate Commission shall use
 3219 funds specifically appropriated to award grants under this

3220 section to assist local governments, including municipalities,
 3221 counties, and school districts, in the development and
 3222 implementation of programs that achieve green standards. Green
 3223 standards shall be determined by the commission and shall
 3224 provide for cost-efficient solutions, reducing greenhouse gas
 3225 emissions, improving quality of life, and strengthening the
 3226 state's economy.

3227 (3) The commission shall adopt rules pursuant to chapter
 3228 120 to administer the grants provided for in this section. In
 3229 accordance with the rules adopted by the commission under this
 3230 section, the commission may provide grants from funds
 3231 specifically appropriated for this purpose to local governments
 3232 for the costs of achieving green standards, including necessary
 3233 administrative expenses. The rules of the commission shall:

3234 (a) Designate one or more suitable green government
 3235 standards frameworks from which local governments may develop a
 3236 greening government initiative and from which projects may be
 3237 eligible for funding pursuant to this section.

3238 (b) Require that projects that plan, design, construct,
 3239 upgrade, or replace facilities reduce greenhouse gas emissions
 3240 and be cost-effective, environmentally sound, permissible, and
 3241 implementable.

3242 (c) Require local governments to match state funds with
 3243 direct project cost sharing or in-kind services.

3244 (d) Provide for a scale of matching requirements for local
 3245 governments on the basis of population in order to assist rural
 3246 and undeveloped areas of the state with any financial burden of
 3247 addressing climate change impacts.

3248 (e) Require grant applications to be submitted on
 3249 appropriate forms developed and adopted by the commission with
 3250 appropriate supporting documentation and require records to be
 3251 maintained.

3252 (f) Establish a system to determine the relative priority
 3253 of grant applications. The system shall consider greenhouse gas
 3254 reductions, energy savings and efficiencies, and proven
 3255 technologies.

3256 (g) Establish requirements for competitive procurement of
 3257 engineering and construction services, materials, and equipment.

3258 (h) Provide for termination of grants when program
 3259 requirements are not met.

3260 (4) Each local government is limited to not more than two
 3261 grant applications during each application period announced by
 3262 the commission. However, a local government may not have more
 3263 than three active projects expending grant funds during any
 3264 state fiscal year.

3265 (5) The commission shall perform an adequate overview of
 3266 each grant, which may include technical review, site
 3267 inspections, disbursement approvals, and auditing to
 3268 successfully implement this section.

3269 Section 58. Paragraph (c) of subsection (3) of section
 3270 380.23, Florida Statutes, is amended to read:

3271 380.23 Federal consistency.--

3272 (3) Consistency review shall be limited to review of the
 3273 following activities, uses, and projects to ensure that such
 3274 activities, uses, and projects are conducted in accordance with
 3275 the state's coastal management program:

3276 (c) Federally licensed or permitted activities affecting
 3277 land or water uses when such activities are in or seaward of the
 3278 jurisdiction of local governments required to develop a coastal
 3279 zone protection element as provided in s. 380.24 and when such
 3280 activities involve:

3281 1. Permits and licenses required under the Rivers and
 3282 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3283 2. Permits and licenses required under the Marine
 3284 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
 3285 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3286 3. Permits and licenses required under the Federal Water
 3287 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
 3288 amended, unless such permitting activities have been delegated
 3289 to the state pursuant to said act.

3290 4. Permits and licenses relating to the transportation of
 3291 hazardous substance materials or transportation and dumping
 3292 which are issued pursuant to the Hazardous Materials
 3293 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
 3294 33 U.S.C. s. 1321, as amended.

3295 5. Permits and licenses required under 15 U.S.C. ss. 717-
 3296 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
 3297 1331-1356 for construction and operation of interstate gas
 3298 pipelines and storage facilities.

3299 6. Permits and licenses required for the siting and
 3300 construction of any new electrical power plants as defined in s.
 3301 403.503 (14) ~~(13)~~, as amended, and the licensing and relicensing
 3302 of hydroelectric power plants under the Federal Power Act, 16
 3303 U.S.C. ss. 791a et seq., as amended.

3304 7. Permits and licenses required under the Mining Law of
 3305 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 3306 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 3307 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 3308 amended; the Federal Land Policy and Management Act, 43 U.S.C.
 3309 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 3310 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 3311 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 3312 pipelines, geological and geophysical activities, or rights-of-
 3313 way on public lands and permits and licenses required under the
 3314 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 3315 amended.

3316 8. Permits and licenses for areas leased under the OCS
 3317 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 3318 leases and approvals of exploration, development, and production
 3319 plans.

3320 9. Permits and licenses required under the Deepwater Port
 3321 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3322 10. Permits required for the taking of marine mammals
 3323 under the Marine Mammal Protection Act of 1972, as amended, 16
 3324 U.S.C. s. 1374.

3325 Section 59. Subsection (20) of section 403.031, Florida
 3326 Statutes, is amended to read:

3327 403.031 Definitions.--In construing this chapter, or rules
 3328 and regulations adopted pursuant hereto, the following words,
 3329 phrases, or terms, unless the context otherwise indicates, have
 3330 the following meanings:

3331 (20) "Electrical power plant" means, for purposes of this
 3332 part of this chapter, any electrical generating facility that
 3333 uses any process or fuel and that is owned or operated by an
 3334 electric utility, as defined in s. 403.503 (14) ~~(13)~~, and includes
 3335 any associated facility that directly supports the operation of
 3336 the electrical power plant.

3337 Section 60. Section 403.44, Florida Statutes, is created
 3338 to read:

3339 403.44 Florida Climate Protection Act.--

3340 (1) The Legislature finds it is in the best interest of
 3341 the state to document, to the greatest extent practicable,
 3342 greenhouse gas emissions and to pursue a market-based emissions
 3343 abatement program, such as cap and trade, to address greenhouse
 3344 gas emissions reductions.

3345 (2) As used in this section, the term:

3346 (a) "Allowance" means a credit issued by the department
 3347 through allotments or auction which represents an authorization
 3348 to emit specific amounts of greenhouse gases, as further defined
 3349 in department rule.

3350 (b) "Cap and trade" or "emissions trading" means an
 3351 administrative approach used to control pollution by providing a
 3352 limit on total allowable emissions, providing for allowances to
 3353 emit pollutants, and providing for the transfer of the
 3354 allowances among pollutant sources as a means of compliance with
 3355 emission limits.

3356 (c) "Greenhouse gas" or "GHG" means carbon dioxide,
 3357 methane, nitrous oxide, and fluorinated gases such as
 3358 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

3359 (d) "Leakage" means the offset of emission abatement that
 3360 is achieved in one location subject to emission control
 3361 regulation by increased emissions in unregulated locations.

3362 (e) "Major emitter" means an electric utility regulated
 3363 under this chapter.

3364 (3) A major emitter shall be required to use The Climate
 3365 Registry for purposes of emission registration and reporting.

3366 (4) The department shall establish the methodologies,
 3367 reporting periods, and reporting systems that shall be used when
 3368 major emitters report to The Climate Registry. The department
 3369 may require the use of quality-assured data from continuous
 3370 emissions monitoring systems.

3371 (5) The department may adopt rules for a cap-and-trade
 3372 regulatory program to reduce greenhouse gas emissions from major
 3373 emitters. When developing the rules, the department shall
 3374 consult with the Florida Energy and Climate Commission and the
 3375 Florida Public Service Commission and may consult with the
 3376 Governor's Action Team for Energy and Climate Change. The
 3377 department shall not adopt rules until after January 1, 2010.
 3378 The rules shall not become effective until ratified by the
 3379 Legislature.

3380 (6) The rules of the cap-and-trade regulatory program
 3381 shall include, but are not limited to:

3382 (a) A statewide limit or cap on the amount of greenhouse
 3383 gases emitted by major emitters.

3384 (b) Methods, requirements, and conditions for allocating
 3385 the cap among major emitters.

3386 (c) Methods, requirements, and conditions for emissions

3387 allowances and the process for issuing emissions allowances.

3388 (d) The relationship between allowances and the specific
 3389 amounts of greenhouse gas emissions they represent.

3390 (e) The length of allowance periods and the time over
 3391 which entities must account for emissions and surrender
 3392 allowances equal to emissions.

3393 (f) The timeline of allowances from the initiation of the
 3394 program through to 2050.

3395 (g) A process for the trade of allowances between major
 3396 emitters, including a registry, tracking, or accounting system
 3397 for such trades.

3398 (h) Cost containment mechanisms to reduce price and cost
 3399 risks associated with the electric generation market in this
 3400 state. Cost containment mechanisms to be considered for
 3401 inclusion in the rules include, but are not limited to:

3402 1. Allowing major emitters to borrow allowances from
 3403 future time periods to meet their greenhouse gas emission
 3404 limits.

3405 2. Allowing major emitters to bank greenhouse gas emission
 3406 reductions in the current year to be used to meet emission
 3407 limits in future years.

3408 3. Allowing major emitters to purchase emissions offsets
 3409 from other entities that produce verifiable reductions in
 3410 unregulated greenhouse gas emissions or that produce verifiable
 3411 reductions in greenhouse gas emissions through voluntary
 3412 practices that capture and store greenhouse gases that otherwise
 3413 would be released into the atmosphere. In considering this cost
 3414 containment mechanism, the department shall identify sectors and

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3415 activities outside of the capped sectors, including other state,
3416 federal, or international activities, and the conditions under
3417 which reductions there can be credited against emissions of
3418 capped entities in place of allowances issued by the department.
3419 The department shall also consider potential methods and their
3420 effectiveness to avoid double-incentivizing such activities.

3421 4. Providing a safety valve mechanism to ensure that the
3422 market prices for allowances or offsets do not surpass a
3423 predetermined level compatible with the affordability of
3424 electric utility rates and the well-being of the state's
3425 economy. In considering this cost containment mechanism, the
3426 department shall evaluate different price levels for the safety
3427 valve and methods to change the price level over time to reflect
3428 changing state, federal, and international markets, regulatory
3429 environments, and technological advancements.

3430
3431 In considering cost containment mechanisms for inclusion in the
3432 rules, the department shall evaluate the anticipated overall
3433 effect of each mechanism on the abatement of greenhouse gas
3434 emissions and on electricity ratepayers and the benefits and
3435 costs of each to the state's economy, and shall also consider
3436 the interrelationships between the mechanisms under
3437 consideration.

3438 (i) A process to allow the department to exercise its
3439 authority to discourage leakage of GHG emissions to neighboring
3440 states attributable to the implementation of this program.

3441 (j) Provisions for a trial period on the trading of
3442 allowances before full implementation of a trading system.

3443 (7) In recommending and evaluating proposed features of
3444 the cap-and-trade system, the following factors shall be
3445 considered:

3446 (a) The overall cost-effectiveness of the cap-and-trade
3447 system in combination with other policies and measures in
3448 meeting statewide targets.

3449 (b) Minimizing the administrative burden to the state of
3450 implementing, monitoring, and enforcing the program.

3451 (c) Minimizing the administrative burden on entities
3452 covered under the cap.

3453 (d) The impacts on electricity prices for consumers.

3454 (e) The specific benefits to the state's economy for early
3455 adoption of a cap-and-trade system for greenhouse gases in the
3456 context of federal climate change legislation and the
3457 development of new international compacts.

3458 (f) The specific benefits to the state's economy
3459 associated with the creation and sale of emissions offsets from
3460 economic sectors outside of the emissions cap.

3461 (g) The potential effects on leakage if economic activity
3462 relocates out of the state.

3463 (h) The effectiveness of the combination of measures in
3464 meeting identified targets.

3465 (i) The implications for near-term periods of long-term
3466 targets specified in the overall policy.

3467 (j) The overall costs and benefits of a cap-and-trade
3468 system to the state economy.

3469 (k) How to moderate impacts on low-income consumers that
3470 result from energy price increases.

3471 (l) Consistency of the program with other state and
 3472 possible federal efforts.

3473 (m) The feasibility and cost-effectiveness of extending
 3474 the program scope as broadly as possible among emitting
 3475 activities and sinks in Florida.

3476 (n) Evaluation of the conditions under which Florida
 3477 should consider linking its trading system to the systems of
 3478 other states or other countries and how that might be affected
 3479 by the potential inclusion in the rule of a safety valve.

3480 (8) Recognizing that the international, national, and
 3481 neighboring state policies and the science of climate change
 3482 will evolve, prior to submitting the proposed rules to the
 3483 Legislature for consideration, the department shall submit the
 3484 proposed rules to the Florida Energy and Climate Commission,
 3485 which shall review the proposed rules and submit a report to the
 3486 Governor, the President of the Senate, the Speaker of the House
 3487 of Representatives, and the department. The report shall
 3488 address:

3489 (a) The overall cost-effectiveness of the proposed cap-
 3490 and-trade system in combination with other policies and measures
 3491 in meeting statewide targets.

3492 (b) The administrative burden to the state of
 3493 implementing, monitoring, and enforcing the program.

3494 (c) The administrative burden on entities covered under
 3495 the cap.

3496 (d) The impacts on electricity prices for consumers.

3497 (e) The specific benefits to the state's economy for early
 3498 adoption of a cap-and-trade system for greenhouse gases in the

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3499 context of federal climate change legislation and the
3500 development of new international compacts.

3501 (f) The specific benefits to the state's economy
3502 associated with the creation and sale of emissions offsets from
3503 economic sectors outside of the emissions cap.

3504 (g) The potential effects on leakage if economic activity
3505 relocates out of the state.

3506 (h) The effectiveness of the combination of measures in
3507 meeting identified targets.

3508 (i) The economic implications for near-term periods of
3509 short-term and long-term targets specified in the overall
3510 policy.

3511 (j) The overall costs and benefits of a cap-and-trade
3512 system to the economy of the state.

3513 (k) The impacts on low-income consumers that result from
3514 energy price increases.

3515 (l) The consistency of the program with other state and
3516 possible federal efforts.

3517 (m) The evaluation of the conditions under which the state
3518 should consider linking its trading system to the systems of
3519 other states or other countries and how that might be affected
3520 by the potential inclusion in the rule of a safety valve.

3521 (n) The timing and changes in the external environment,
3522 such as proposals by other states or implementation of a federal
3523 program that would spur reevaluation of the Florida program.

3524 (o) The conditions and options for eliminating the Florida
3525 program if a federal program were to supplant it.

3526 (p) The need for a regular reevaluation of the progress of

3527 other emitting regions of the country and of the world, and
 3528 whether other regions are abating emissions in a commensurate
 3529 manner.

3530 (q) The desirability of and possibilities of broadening
 3531 the scope of the state's cap-and-trade system at a later date to
 3532 include more emitting activities as well as sinks in Florida,
 3533 the conditions that would need to be met to do so, and how the
 3534 program would encourage these conditions to be met, including
 3535 developing monitoring and measuring techniques for land use
 3536 emissions and sinks, regulating sources upstream, and other
 3537 considerations.

3538 Section 61. Section 403.502, Florida Statutes, is amended
 3539 to read:

3540 403.502 Legislative intent.--The Legislature finds that
 3541 the present and predicted growth in electric power demands in
 3542 this state requires the development of a procedure for the
 3543 selection and utilization of sites for electrical generating
 3544 facilities and the identification of a state position with
 3545 respect to each proposed site and its associated facilities. The
 3546 Legislature recognizes that the selection of sites and the
 3547 routing of associated facilities, including transmission lines,
 3548 will have a significant impact upon the welfare of the
 3549 population, the location and growth of industry, and the use of
 3550 the natural resources of the state. The Legislature finds that
 3551 the efficiency of the permit application and review process at
 3552 both the state and local level would be improved with the
 3553 implementation of a process whereby a permit application would
 3554 be centrally coordinated and all permit decisions could be

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3555 reviewed on the basis of standards and recommendations of the
3556 deciding agencies. It is the policy of this state that, while
3557 recognizing the pressing need for increased power generation
3558 facilities, the state shall ensure through available and
3559 reasonable methods that the location and operation of electrical
3560 power plants will produce minimal adverse effects on human
3561 health, the environment, the ecology of the land and its
3562 wildlife, and the ecology of state waters and their aquatic life
3563 and will not unduly conflict with the goals established by the
3564 applicable local comprehensive plans. It is the intent to seek
3565 courses of action that will fully balance the increasing demands
3566 for electrical power plant location and operation with the broad
3567 interests of the public. Such action will be based on these
3568 premises:

3569 (1) To assure the citizens of Florida that operation
3570 safeguards are technically sufficient for their welfare and
3571 protection.

3572 (2) To effect a reasonable balance between the need for
3573 the facility and the environmental impact resulting from
3574 construction and operation of the facility, including air and
3575 water quality, fish and wildlife, and the water resources and
3576 other natural resources of the state.

3577 (3) To meet the need for electrical energy as established
3578 pursuant to s. 403.519.

3579 (4) To assure the citizens of Florida that renewable
3580 energy sources and technologies, as well as conservation
3581 measures, are utilized to the extent reasonably available.

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3582 Section 62. Subsections (3) through (30) of section
 3583 403.503, Florida Statutes, are renumbered as subsections (4)
 3584 through (31), respectively, present subsections (6), (8), (10),
 3585 (13), (27), and (29) are amended, and a new subsection (3) is
 3586 added to that section, to read:

3587 403.503 Definitions relating to Florida Electrical Power
 3588 Plant Siting Act.--As used in this act:

3589 (3) "Alternate corridor" means an area that is proposed by
 3590 the applicant or a third party within which all or part of an
 3591 associated electrical transmission line right-of-way is to be
 3592 located and that is different from the preferred transmission
 3593 line corridor proposed by the applicant. The width of the
 3594 alternate corridor proposed for certification for an associated
 3595 electrical transmission line may be the width of the proposed
 3596 right-of-way or a wider boundary not to exceed a width of 1
 3597 mile. The area within the alternate corridor may be further
 3598 restricted as a condition of certification. The alternate
 3599 corridor may include alternate electrical substation sites if
 3600 the applicant has proposed an electrical substation as part of
 3601 the portion of the proposed electrical transmission line.

3602 (7)~~(6)~~ "Associated facilities" means, for the purpose of
 3603 certification, those onsite and offsite facilities which
 3604 directly support the construction and operation of the
 3605 electrical power plant such as electrical transmission lines,
 3606 substations, and fuel unloading facilities; pipelines necessary
 3607 for transporting fuel for the operation of the facility or other
 3608 fuel transportation facilities; water or wastewater transport
 3609 pipelines; construction, maintenance, and access roads; and

3610 railway lines necessary for transport of construction equipment
 3611 or fuel for the operation of the facility.

3612 ~~(9)-(8)~~ "Certification" means the written order of the
 3613 board, or secretary when applicable, approving an application
 3614 for the licensing of an electrical power plant, in whole or with
 3615 such changes or conditions as the board may deem appropriate.

3616 ~~(11)-(10)~~ "Corridor" means the proposed area within which
 3617 an associated linear facility right-of-way is to be located. The
 3618 width of the corridor proposed for certification as an
 3619 associated facility, at the option of the applicant, may be the
 3620 width of the right-of-way or a wider boundary, not to exceed a
 3621 width of 1 mile. The area within the corridor in which a right-
 3622 of-way may be located may be further restricted by a condition
 3623 of certification. After all property interests required for the
 3624 right-of-way have been acquired by the licensee, the boundaries
 3625 of the area certified shall narrow to only that land within the
 3626 boundaries of the right-of-way. The corridors proper for
 3627 certification shall be those addressed in the application, in
 3628 amendments to the application filed under s. 403.5064, and in
 3629 notices of acceptance of proposed alternate corridors filed by
 3630 an applicant and the department pursuant to s. 403.5271 as
 3631 incorporated by reference in s. 403.5064(1)(b) for which the
 3632 required information for the preparation of agency supplemental
 3633 reports was filed.

3634 ~~(14)-(13)~~ "Electrical power plant" means, for the purpose
 3635 of certification, any steam or solar electrical generating
 3636 facility using any process or fuel, including nuclear materials,
 3637 except that this term does not include any steam or solar

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3638 electrical generating facility of less than 75 megawatts in
 3639 capacity unless the applicant for such a facility elects to
 3640 apply for certification under this act. This term also includes
 3641 the site; all associated facilities that will ~~to~~ be owned by the
 3642 applicant that ~~which~~ are physically connected to the ~~electrical~~
 3643 ~~power plant~~ site; all associated facilities that ~~or which~~ are
 3644 indirectly ~~directly~~ connected to the ~~electrical power plant~~ site
 3645 by other proposed associated facilities that will ~~to~~ be owned by
 3646 the applicant;⁷ and associated transmission lines that will ~~to~~
 3647 be owned by the applicant which connect the electrical power
 3648 plant to an existing transmission network or rights-of-way to ~~of~~
 3649 which the applicant intends to connect. At the applicant's
 3650 option, this term may include any offsite associated facilities
 3651 that ~~which~~ will not be owned by the applicant; offsite
 3652 associated facilities that ~~which~~ are owned by the applicant but
 3653 that ~~which~~ are not directly connected to the ~~electrical power~~
 3654 ~~plant~~ site; any proposed terminal or intermediate substations or
 3655 substation expansions connected to the associated transmission
 3656 line; or new transmission lines, upgrades, or improvements of an
 3657 existing transmission line on any portion of the applicant's
 3658 electrical transmission system necessary to support the
 3659 generation injected into the system from the proposed electrical
 3660 power plant.

3661 ~~(28)-(27)~~ "Site" means any proposed location within which
 3662 will be located ~~wherein~~ an electrical power plant's generating
 3663 facility and onsite support facilities ~~plant~~, or an ~~electrical~~
 3664 ~~power plant~~ alteration or addition of electrical generating
 3665 facilities and onsite support facilities resulting in an

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3666 increase in generating capacity, ~~will be located,~~ including
 3667 offshore sites within state jurisdiction.

3668 (30)~~(29)~~ "Ultimate site capacity" means the maximum gross
 3669 generating capacity for a site as certified by the board, unless
 3670 otherwise specified as net generating capacity.

3671 Section 63. Subsections (2) through (5), (9), and (11) of
 3672 section 403.504, Florida Statutes, are amended to read:

3673 403.504 Department of Environmental Protection; powers and
 3674 duties enumerated.--The department shall have the following
 3675 powers and duties in relation to this act:

3676 (2) To prescribe the form and content of the public
 3677 notices and the notice of intent and the form, content, and
 3678 necessary supporting documentation and studies to be prepared by
 3679 the applicant for electrical power plant ~~site~~ certification
 3680 applications.

3681 (3) To receive applications for electrical power plant
 3682 ~~site~~ certifications and to determine the completeness and
 3683 sufficiency thereof.

3684 (4) To make, or contract for, studies of electrical power
 3685 plant ~~site~~ certification applications.

3686 (5) To administer the processing of applications for
 3687 electric power plant ~~site~~ certifications and to ensure that the
 3688 applications are processed as expeditiously as possible.

3689 (9) To determine whether an alternate corridor proposed
 3690 for consideration under s. 403.5064(4) is acceptable ~~issue final~~
 3691 ~~orders after receipt of the administrative law judge's order~~
 3692 ~~relinquishing jurisdiction pursuant to s. 403.508(6).~~

3693 (11) To administer and manage the terms and conditions of
 3694 the certification order and supporting documents and records for
 3695 the life of the electrical power plant facility.

3696 Section 64. Subsection (1) of section 403.506, Florida
 3697 Statutes, is amended, and subsection (3) is added that section,
 3698 to read:

3699 403.506 Applicability, thresholds, and certification.--

3700 (1) The provisions of this act shall apply to any
 3701 electrical power plant as defined herein, except that the
 3702 provisions of this act shall not apply to any electrical power
 3703 plant ~~or steam generating plant~~ of less than 75 megawatts in
 3704 gross capacity, including its associated facilities, or to any
 3705 ~~substation to be constructed as part of an associated~~
 3706 ~~transmission line~~ unless the applicant has elected to apply for
 3707 certification of such electrical power plant ~~or substation~~ under
 3708 this act. The provisions of this act shall not apply to ~~any unit~~
 3709 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
 3710 aggregate, of an existing exothermic reaction cogeneration
 3711 electrical generating facility ~~unit~~ that was exempt from this
 3712 act when it was originally built; however, this exemption shall
 3713 not apply if the unit uses oil or natural gas for purposes other
 3714 than unit startup. No construction of any new electrical power
 3715 plant or expansion in steam generating capacity as measured by
 3716 an increase in the maximum electrical generator rating of any
 3717 existing electrical power plant may be undertaken after October
 3718 1, 1973, without first obtaining certification in the manner as
 3719 herein provided, except that this act shall not apply to any
 3720 such electrical power plant which is presently operating or

3721 under construction or which has, upon the effective date of
 3722 chapter 73-33, Laws of Florida, applied for a permit or
 3723 certification under requirements in force prior to the effective
 3724 date of such act.

3725 (3) An electric utility may obtain separate licenses,
 3726 permits, and approvals for the construction of facilities
 3727 necessary to construct an electrical power plant without first
 3728 obtaining certification under this act if the utility intends to
 3729 locate, license, and construct a proposed or expanded electrical
 3730 power plant that uses nuclear materials as fuel. Such facilities
 3731 may include, but are not limited to, access and onsite roads,
 3732 rail lines, electrical transmission facilities to support
 3733 construction, and facilities necessary for waterborne delivery
 3734 of construction materials and project components. This exemption
 3735 applies to such facilities regardless of whether the facilities
 3736 are used for operation of the power plant. The applicant shall
 3737 file with the department a statement that declares that the
 3738 construction of such facilities is necessary for the timely
 3739 construction of the proposed electrical power plant and
 3740 identifies those facilities that the applicant intends to seek
 3741 licenses for and construct prior to or separate from
 3742 certification of the project. The facilities may be located
 3743 within or off the site for the proposed electrical power plant.
 3744 The filing of an application under this act shall not affect
 3745 other applications for separate licenses which are pending at
 3746 the time of filing the application. Furthermore, the filing of
 3747 an application shall not prevent an electric utility from
 3748 seeking separate licenses for facilities that are necessary to

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3749 construct the electrical power plant. Licenses, permits, or
 3750 approvals issued by any state, regional, or local agency for
 3751 such facilities shall be incorporated by the department into a
 3752 final certification upon completion of construction. Any
 3753 facilities necessary for construction of the electrical power
 3754 plant shall become part of the certified electrical power plant
 3755 upon completion of the electrical power plant's construction.
 3756 The exemption in this subsection shall not require or authorize
 3757 agency rulemaking, and any action taken under this subsection
 3758 shall not be subject to the provisions of chapter 120. This
 3759 subsection shall be given retroactive effect and shall apply to
 3760 applications filed after May 1, 2008.

3761 Section 65. Subsections (1) and (4) of section 403.5064,
 3762 Florida Statutes, are amended to read:

3763 403.5064 Application; schedules.--

3764 (1) The formal date of filing of a certification
 3765 application and commencement of the certification review process
 3766 shall be when the applicant submits:

3767 (a) Copies of the certification application in a quantity
 3768 and format as prescribed by rule to the department and other
 3769 agencies identified in s. 403.507(2)(a).

3770 (b) A statement affirming that the applicant is opting to
 3771 allow consideration of alternate corridors for an associated
 3772 transmission line corridor. If alternate corridors are allowed,
 3773 at the applicant's option, the portion of the application
 3774 addressing associated transmission line corridors shall be
 3775 processed under the schedule set forth in ss. 403.521-403.526,
 3776 403.527(4), and 403.5271, including the opportunity for the

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3777 filing of alternate corridors by third parties; however, if such
 3778 alternate corridors are filed, the certification hearing shall
 3779 not be rescheduled as allowed by s. 403.5271(1)(b).

3780 (c) ~~(b)~~ The application fee specified under s. 403.518 to
 3781 the department.

3782 (4) Within 7 days after the filing of an application, the
 3783 department shall prepare a proposed schedule of dates for
 3784 determination of completeness, submission of statements of
 3785 issues, submittal of final reports, and other significant dates
 3786 to be followed during the certification process, including dates
 3787 for filing notices of appearance to be a party pursuant to s.
 3788 403.508(3). If the application includes one or more associated
 3789 transmission line corridors, at the request of the applicant
 3790 filed concurrently with the application, the department shall
 3791 use the application processing schedule set forth in ss.
 3792 403.521-403.526, 403.527(4), and 403.5271 for the associated
 3793 transmission line corridors, including the opportunity for the
 3794 filing and review of alternate corridors, if a party proposes
 3795 alternate transmission line corridor routes for consideration no
 3796 later than 165 days before the scheduled certification hearing.
 3797 Notwithstanding an applicant's option for the transmission line
 3798 corridor portion of its application to be processed under the
 3799 proposed schedule, only one certification hearing shall be held
 3800 for the entire plant in accordance with s. 403.508(2). The
 3801 proposed ~~This~~ schedule shall be timely provided by the
 3802 department to the applicant, the administrative law judge, all
 3803 agencies identified pursuant to subsection (2), and all parties.
 3804 Within 7 days after the filing of the proposed schedule, the

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3805 administrative law judge shall issue an order establishing a
 3806 schedule for the matters addressed in the department's proposed
 3807 schedule and other appropriate matters, if any.

3808 Section 66. Subsection (1) of section 403.5065, Florida
 3809 Statutes, is amended to read:

3810 403.5065 Appointment of administrative law judge; powers
 3811 and duties.--

3812 (1) Within 7 days after receipt of an application, the
 3813 department shall request the Division of Administrative Hearings
 3814 to designate an administrative law judge to conduct the hearings
 3815 required by this act. The division director shall designate an
 3816 administrative law judge within 7 days after receipt of the
 3817 request from the department. In designating an administrative
 3818 law judge for this purpose, the division director shall,
 3819 whenever practicable, assign an administrative law judge who has
 3820 had prior experience or training in electrical power plant ~~site~~
 3821 certification proceedings. Upon being advised that an
 3822 administrative law judge has been appointed, the department
 3823 shall immediately file a copy of the application and all
 3824 supporting documents with the designated administrative law
 3825 judge, who shall docket the application.

3826 Section 67. Subsection (3) of section 403.50663, Florida
 3827 Statutes, is amended to read:

3828 403.50663 Informational public meetings.--

3829 (3) A local government or regional planning council that
 3830 intends to conduct an informational public meeting must provide
 3831 notice of the meeting to all parties not less than 5 days prior
 3832 to the meeting and to the general public in accordance with s.

3833 403.5115(5). The expense for such notice is eligible for
 3834 reimbursement under s. 403.518(2)(c)1.

3835 Section 68. Section 403.50665, Florida Statutes, is
 3836 amended to read:

3837 403.50665 Land use consistency.--

3838 (1) The applicant shall include in the application a
 3839 statement on the consistency of the site and ~~or~~ any ~~directly~~
 3840 associated facilities that constitute a "development," as
 3841 defined in s. 380.04, with existing land use plans and zoning
 3842 ordinances that were in effect on the date the application was
 3843 filed and a full description of such consistency. This
 3844 information shall include an identification of those associated
 3845 facilities that the applicant believes are exempt from the
 3846 requirements of land use plans and zoning ordinances under the
 3847 provisions of the Local Government Comprehensive Planning and
 3848 Land Development Regulation Act provisions of chapter 163 and s.
 3849 380.04(3).

3850 (2)(a) Within 45 days after the filing of the application,
 3851 each local government shall file a determination with the
 3852 department, the applicant, the administrative law judge, and all
 3853 parties on the consistency of the site, and ~~or~~ any ~~directly~~
 3854 associated facilities that are not exempt from the requirements
 3855 of land use plans and zoning ordinances under chapter 163 and s.
 3856 380.04(3), with existing land use plans and zoning ordinances
 3857 that were in effect on the date the application was filed, based
 3858 on the information provided in the application. However, this
 3859 requirement does not apply to any new electrical generation unit
 3860 proposed to be constructed and operated on the site of a

3861 previously certified electrical power plant or on the site of a
 3862 power plant that was not previously certified that will be
 3863 wholly contained within the boundaries of the existing site.

3864 (b) The local government may issue its determination up to
 3865 55 ~~35~~ days later if the application has been determined
 3866 incomplete based in whole or in part upon a local government
 3867 request for ~~has requested~~ additional information on land use and
 3868 zoning consistency as part of the local government's statement
 3869 on completeness of the application submitted pursuant to s.
 3870 403.5066(1)(a). Incompleteness of information necessary for a
 3871 local government to evaluate an application may be claimed by
 3872 the local government as cause for a statement of inconsistency
 3873 with existing land use plans and zoning ordinances.

3874 (c) Notice of the consistency determination shall be
 3875 published in accordance with the requirements of s. 403.5115.

3876 (3)(a) If the local government issues a determination that
 3877 the proposed site and any nonexempt associated facilities are
 3878 ~~electrical power plant is~~ not consistent or in compliance with
 3879 local land use plans and zoning ordinances, the applicant may
 3880 apply to the local government for the necessary local approval
 3881 to address the inconsistencies identified in the local
 3882 government's determination.

3883 (b) If the applicant makes such an application to the
 3884 local government, the time schedules under this act shall be
 3885 tolled until the local government issues its revised
 3886 determination on land use and zoning or the applicant otherwise
 3887 withdraws its application to the local government.

3888 (c) If the applicant applies to the local government for
 3889 necessary local land use or zoning approval, the local
 3890 government shall commence a proceeding to consider the
 3891 application for land use or zoning approval within 45 days after
 3892 receipt of the complete request and shall issue a revised
 3893 determination within 30 days following the conclusion of that
 3894 local proceeding.~~7~~ and The time schedules and notice
 3895 requirements under this act shall apply to such revised
 3896 determination.

3897 (4) If any substantially affected person wishes to dispute
 3898 the local government's determination, he or she shall file a
 3899 petition with the designated administrative law judge ~~department~~
 3900 within 21 days after the publication of notice of the local
 3901 government's determination. If a hearing is requested, the
 3902 provisions of s. 403.508(1) shall apply.

3903 (5) The dates in this section may be altered upon
 3904 agreement between the applicant, the local government, and the
 3905 department pursuant to s. 403.5095.

3906 (6) If it is determined by the local government that the
 3907 proposed site or nonexempt ~~directly~~ associated facility does
 3908 conform with existing land use plans and zoning ordinances in
 3909 effect as of the date of the application and no petition has
 3910 been filed, the responsible zoning or planning authority shall
 3911 not thereafter change such land use plans or zoning ordinances
 3912 so as to foreclose construction and operation of the proposed
 3913 site or directly associated facilities unless certification is
 3914 subsequently denied or withdrawn.

3915 (7) The issue of land use and zoning consistency for any
 3916 proposed alternate intermediate electrical substation which is
 3917 proposed as part of an alternate electrical transmission line
 3918 corridor which is accepted by the applicant and the department
 3919 under s. 403.5271(1)(b) shall be addressed in the supplementary
 3920 report prepared by the local government on the proposed
 3921 alternate corridor and shall be considered as an issue at any
 3922 final certification hearing. If such a proposed alternate
 3923 intermediate electrical substation is determined not to be
 3924 consistent with local land use plans and zoning ordinances, then
 3925 that alternate intermediate electrical substation shall not be
 3926 certified.

3927 Section 69. Paragraph (a) of subsection (2) of section
 3928 403.507, Florida Statutes, is amended to read:

3929 403.507 Preliminary statements of issues, reports, project
 3930 analyses, and studies.--

3931 (2)(a) No later than 100 days after the certification
 3932 application has been determined complete, the following agencies
 3933 shall prepare reports as provided below and shall submit them to
 3934 the department and the applicant, unless a final order denying
 3935 the determination of need has been issued under s. 403.519:

3936 1. The Department of Community Affairs shall prepare a
 3937 report containing recommendations which address the impact upon
 3938 the public of the proposed electrical power plant, based on the
 3939 degree to which the electrical power plant is consistent with
 3940 the applicable portions of the state comprehensive plan,
 3941 emergency management, and other such matters within its
 3942 jurisdiction. The Department of Community Affairs may also

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3943 comment on the consistency of the proposed electrical power
3944 plant with applicable strategic regional policy plans or local
3945 comprehensive plans and land development regulations.

3946 2. The water management district shall prepare a report as
3947 to matters within its jurisdiction, including but not limited
3948 to, the impact of the proposed electrical power plant on water
3949 resources, regional water supply planning, and district-owned
3950 lands and works.

3951 3. Each local government in whose jurisdiction the
3952 proposed electrical power plant is to be located shall prepare a
3953 report as to the consistency of the proposed electrical power
3954 plant with all applicable local ordinances, regulations,
3955 standards, or criteria that apply to the proposed electrical
3956 power plant, including any applicable local environmental
3957 regulations adopted pursuant to s. 403.182 or by other means.

3958 4. The Fish and Wildlife Conservation Commission shall
3959 prepare a report as to matters within its jurisdiction.

3960 5. Each regional planning council shall prepare a report
3961 containing recommendations that address the impact upon the
3962 public of the proposed electrical power plant, based on the
3963 degree to which the electrical power plant is consistent with
3964 the applicable provisions of the strategic regional policy plan
3965 adopted pursuant to chapter 186 and other matters within its
3966 jurisdiction.

3967 6. The Department of Transportation shall address the
3968 impact of the proposed electrical power plant on matters within
3969 its jurisdiction.

3970 Section 70. Subsection (1), paragraph (a) of subsection
 3971 (2), and paragraph (f) of subsection (3) of section 403.508,
 3972 Florida Statutes, are amended to read:

3973 403.508 Land use and certification hearings, parties,
 3974 participants.--

3975 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
 3976 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 3977 the designated administrative law judge shall schedule ~~conduct~~ a
 3978 land use hearing to be conducted in the county of the proposed
 3979 site or ~~directly~~ associated facility that is not exempt from the
 3980 requirements of land use plans and zoning ordinances under
 3981 chapter 163 and s. 380.04(3), as applicable, as expeditiously as
 3982 possible, but not later than 30 days after the designated
 3983 administrative law judge's ~~department's~~ receipt of the petition.
 3984 The place of such hearing shall be as close as possible to the
 3985 proposed site or ~~directly~~ associated facility. If a petition is
 3986 filed, the hearing shall be held regardless of the status of the
 3987 completeness of the application. ~~However, incompleteness of~~
 3988 ~~information necessary for a local government to evaluate an~~
 3989 ~~application may be claimed by the local government as cause for~~
 3990 ~~a statement of inconsistency with existing land use plans and~~
 3991 ~~zoning ordinances under s. 403.50665.~~

3992 (b) Notice of the land use hearing shall be published in
 3993 accordance with the requirements of s. 403.5115.

3994 (c) The sole issue for determination at the land use
 3995 hearing shall be whether or not the proposed site or nonexempt
 3996 associated facility is consistent and in compliance with
 3997 existing land use plans and zoning ordinances. If the

3998 administrative law judge concludes that the proposed site or
 3999 nonexempt associated facility is not consistent or in compliance
 4000 with existing land use plans and zoning ordinances, the
 4001 administrative law judge shall receive at the hearing evidence
 4002 on, and address in the recommended order any changes to or
 4003 approvals or variances under, the applicable land use plans or
 4004 zoning ordinances which will render the proposed site or
 4005 nonexempt associated facility consistent and in compliance with
 4006 the local land use plans and zoning ordinances.

4007 (d) The designated administrative law judge's recommended
 4008 order shall be issued within 30 days after completion of the
 4009 hearing and shall be reviewed by the board within 60 days after
 4010 receipt of the recommended order by the board.

4011 (e) If it is determined by the board that the proposed
 4012 site or nonexempt associated facility does conform with existing
 4013 land use plans and zoning ordinances in effect as of the date of
 4014 the application, or as otherwise provided by this act, the
 4015 responsible zoning or planning authority shall not thereafter
 4016 change such land use plans or zoning ordinances so as to
 4017 foreclose construction and operation of the proposed electrical
 4018 power plant on the proposed site or ~~directly~~ associated
 4019 facilities unless certification is subsequently denied or
 4020 withdrawn.

4021 (f) If it is determined by the board that the proposed
 4022 site or nonexempt associated facility does not conform with
 4023 existing land use plans and zoning ordinances, the board may, if
 4024 it determines after notice and hearing and upon consideration of
 4025 the recommended order on land use and zoning issues that it is

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4026 in the public interest to authorize the use of the land ~~as a~~
 4027 ~~site for a site or associated facility an electrical power~~
 4028 ~~plant~~, authorize a variance or other necessary approval to the
 4029 adopted land use plan and zoning ordinances required to render
 4030 the proposed site or associated facility consistent with local
 4031 land use plans and zoning ordinances. The board's action shall
 4032 not be controlled by any other procedural requirements of law.
 4033 In the event a variance or other approval is denied by the
 4034 board, it shall be the responsibility of the applicant to make
 4035 the necessary application for any approvals determined by the
 4036 board as required to make the proposed site or associated
 4037 facility consistent and in compliance with local land use plans
 4038 and zoning ordinances. No further action may be taken on the
 4039 complete application until the proposed site or associated
 4040 facility conforms to the adopted land use plan or zoning
 4041 ordinances or the board grants relief as provided under this
 4042 act.

4043 (2) (a) A certification hearing shall be held by the
 4044 designated administrative law judge no later than 265 days after
 4045 the application is filed with the department. The certification
 4046 hearing shall be held at a location in proximity to the proposed
 4047 site. ~~At the conclusion of the certification hearing, the~~
 4048 ~~designated administrative law judge shall, after consideration~~
 4049 ~~of all evidence of record, submit to the board a recommended~~
 4050 ~~order no later than 45 days after the filing of the hearing~~
 4051 ~~transcript.~~

4052 (3)

4053 (f) Any agency, including those whose properties or works
 4054 are being affected pursuant to s. 403.509(5)~~(4)~~, shall be made a
 4055 party upon the request of the department or the applicant.

4056 Section 71. Subsection (3) of section 403.509, Florida
 4057 Statutes, is amended, subsection (4) is renumbered as subsection
 4058 (5), a new subsection (4) is added to that section, and
 4059 subsection (5) is renumbered as subsection (6) and amended, to
 4060 read:

4061 403.509 Final disposition of application.--

4062 (3) In determining whether an application should be
 4063 approved in whole, approved with modifications or conditions, or
 4064 denied, the board, or secretary when applicable, shall consider
 4065 whether, and the extent to which, the location, construction,
 4066 and operation of the electrical power plant ~~and directly~~
 4067 ~~associated facilities and their construction and operation~~ will:

4068 (a) Provide reasonable assurance that operational
 4069 safeguards are technically sufficient for the public welfare and
 4070 protection.

4071 (b) Comply with applicable nonprocedural requirements of
 4072 agencies.

4073 (c) Be consistent with applicable local government
 4074 comprehensive plans and land development regulations.

4075 (d) Meet the electrical energy needs of the state in an
 4076 orderly, reliable, and timely fashion.

4077 (e) Effect a reasonable balance between the need for the
 4078 facility as established pursuant to s. 403.519 and the impacts
 4079 upon air and water quality, fish and wildlife, water resources,

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4080 and other natural resources of the state resulting from the
4081 construction and operation of the facility.

4082 (f) Minimize, through the use of reasonable and available
4083 methods, the adverse effects on human health, the environment,
4084 and the ecology of the land and its wildlife and the ecology of
4085 state waters and their aquatic life.

4086 (g) Serve and protect the broad interests of the public.

4087 (4) (a) Any transmission line corridor certified by the
4088 board, or secretary if applicable, shall meet the criteria of
4089 this section. When more than one transmission line corridor is
4090 proper for certification under s. 403.503(11) and meets the
4091 criteria of this section, the board, or secretary if applicable,
4092 shall certify the transmission line corridor that has the least
4093 adverse impact regarding the criteria in subsection (3),
4094 including costs.

4095 (b) If the board, or secretary if applicable, finds that
4096 an alternate corridor rejected pursuant to s. 403.5271 as
4097 incorporated by reference in s. 403.5064(1)(b) meets the
4098 criteria of subsection (3) and has the least adverse impact
4099 regarding the criteria in subsection (3), the board, or
4100 secretary if applicable, shall deny certification or shall allow
4101 the applicant to submit an amended application to include the
4102 corridor.

4103 (c) If the board, or secretary if applicable, finds that
4104 two or more of the corridors that comply with subsection (3)
4105 have the least adverse impacts regarding the criteria in
4106 subsection (3), including costs, and that the corridors are
4107 substantially equal in adverse impacts regarding the criteria in

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4108 subsection (3), including costs, the board, or secretary if
 4109 applicable, shall certify the corridor preferred by the
 4110 applicant if the corridor is one proper for certification under
 4111 s. 403.503(11).

4112 ~~(6)(5)~~ For certifications issued by the board in regard to
 4113 the properties and works of any agency which is a party to the
 4114 certification hearing, the board shall have the authority to
 4115 decide issues relating to the use, the connection thereto, or
 4116 the crossing thereof, for the electrical power plant ~~and~~
 4117 ~~directly associated facilities~~ and to direct any such agency to
 4118 execute, within 30 days after the entry of certification, the
 4119 necessary license or easement for such use, connection, or
 4120 crossing, subject only to the conditions set forth in such
 4121 certification. For certifications issued by the department in
 4122 regard to the properties and works of any agency that is a party
 4123 to the proceeding, any stipulation filed pursuant to s.
 4124 403.508(6)(a) must include a stipulation regarding any issues
 4125 relating to the use, the connection thereto, or the crossing
 4126 thereof, for the electrical power plant. Any agency stipulating
 4127 to the use of, connection to, or crossing of its property must
 4128 agree to execute, within 30 days after the entry of
 4129 certification, the necessary license or easement for such use,
 4130 connection, or crossing, subject only to the conditions set
 4131 forth in such certification.

4132 Section 72. Subsections (1) and (6) of section 403.511,
 4133 Florida Statutes, are amended to read:

4134 403.511 Effect of certification.--

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4135 (1) Subject to the conditions set forth therein, any
 4136 certification shall constitute the sole license of the state and
 4137 any agency as to the approval of the location of the site and
 4138 any associated facility and the construction and operation of
 4139 the proposed electrical power plant, except for the issuance of
 4140 department licenses required under any federally delegated or
 4141 approved permit program and except as otherwise provided in
 4142 subsection (4).

4143 (6) No term or condition of an electrical power plant a
 4144 site certification shall be interpreted to supersede or control
 4145 the provisions of a final operation permit for a major source of
 4146 air pollution issued by the department pursuant to s. 403.0872
 4147 to a facility certified under this part.

4148 Section 73. Subsection (1) of section 403.5112, Florida
 4149 Statutes, is amended to read:

4150 403.5112 Filing of notice of certified corridor route.--

4151 (1) Within 60 days after certification of an ~~a directly~~
 4152 associated linear facility pursuant to this act, the applicant
 4153 shall file, in accordance with s. 28.222, with the department
 4154 and the clerk of the circuit court for each county through which
 4155 the corridor will pass, a notice of the certified route.

4156 Section 74. Section 403.5113, Florida Statutes, is amended
 4157 to read:

4158 403.5113 Postcertification amendments and review.--

4159 (1) POSTCERTIFICATION AMENDMENTS.--

4160 (a) If, subsequent to certification by the board, a
 4161 licensee proposes any material change to the application and
 4162 revisions or amendments thereto, as certified, the licensee

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4163 shall submit a written request for amendment and a description
4164 of the proposed change to the application to the department.
4165 Within 30 days after the receipt of the request for the
4166 amendment, the department shall determine whether the proposed
4167 change to the application requires a modification of the
4168 conditions of certification.

4169 (b)~~(2)~~ If the department concludes that the change would
4170 not require a modification of the conditions of certification,
4171 the department shall provide written notification of the
4172 approval of the proposed amendment to the licensee, all
4173 agencies, and all other parties.

4174 (c)~~(3)~~ If the department concludes that the change would
4175 require a modification of the conditions of certification, the
4176 department shall provide written notification to the licensee
4177 that the proposed change to the application requires a request
4178 for modification pursuant to s. 403.516.

4179 (2)~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
4180 submittals filed by the licensee with one or more agencies are
4181 for the purpose of monitoring for compliance with the issued
4182 certification and must be reviewed by the agencies on an
4183 expedited and priority basis because each facility certified
4184 under this act is a critical infrastructure facility. In no
4185 event shall a postcertification review be completed in more than
4186 90 days after complete information is submitted to the reviewing
4187 agencies.

4188 Section 75. Section 403.5115, Florida Statutes, is amended
4189 to read:

4190 403.5115 Public notice.--

4191 (1) The following notices are to be published by the
 4192 applicant for all applications:

4193 (a) Notice of the filing of a notice of intent under s.
 4194 403.5063, which shall be published within 21 days after the
 4195 filing of the notice. The notice shall be published as specified
 4196 by subsection (2), except that the newspaper notice shall be
 4197 one-fourth page in size in a standard size newspaper or one-half
 4198 page in size in a tabloid size newspaper.

4199 (b) Notice of filing of the application, which shall
 4200 include a description of the proceedings required by this act,
 4201 within 21 days after the date of the application filing. Such
 4202 notice shall give notice of the provisions of s. 403.511(1) and
 4203 (2).

4204 (c) If applicable, notice of the land use determination
 4205 made pursuant to s. 403.50665(2)~~(1)~~ within 21 days after the
 4206 deadline for the filing of the determination is filed.

4207 (d) If applicable, notice of the land use hearing, which
 4208 shall be published as specified in subsection (2), no later than
 4209 15 days before the hearing.

4210 (e) Notice of the certification hearing and notice of the
 4211 deadline for filing notice of intent to be a party, which shall
 4212 be published as specified in subsection (2), at least 65 days
 4213 before the date set for the certification hearing. If one or
 4214 more alternate corridors have been accepted for consideration,
 4215 the notice of the certification hearing shall include a map of
 4216 all corridors proposed for certification.

4217 (f) Notice of revised deadline for filing alternate
 4218 corridors if the certification hearing is rescheduled to a date

4219 other than as published in the notice of filing of the
 4220 application. This notice shall be published at least 185 days
 4221 before the rescheduled certification hearing and as specified in
 4222 subsection (2), except no map is required and the size of the
 4223 notice shall be no smaller than 6 square inches.

4224 (g)~~(f)~~ Notice of the cancellation of the certification
 4225 hearing, if applicable, no later than 3 days before the date of
 4226 the originally scheduled certification hearing. The newspaper
 4227 notice shall be one-fourth page in size in a standard-size
 4228 newspaper or one-half page in size in a tabloid-size newspaper.

4229 (h)~~(g)~~ Notice of modification when required by the
 4230 department, based on whether the requested modification of
 4231 certification will significantly increase impacts to the
 4232 environment or the public. Such notice shall be published as
 4233 specified under subsection (2):

4234 1. Within 21 days after receipt of a request for
 4235 modification. The newspaper notice shall be of a size as
 4236 directed by the department commensurate with the scope of the
 4237 modification.

4238 2. If a hearing is to be conducted in response to the
 4239 request for modification, then notice shall be published no
 4240 later than 30 days before the hearing.

4241 ~~(h) Notice of a supplemental application, which shall be~~
 4242 ~~published as specified in paragraph (b) and subsection (2).~~

4243 ~~(i) Notice of existing site certification pursuant to s.~~
 4244 ~~403.5175. Notices shall be published as specified in paragraph~~
 4245 ~~(b) and subsection (2).~~

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4246 (2) Notices provided by the applicant shall be published
4247 in newspapers of general circulation within the county or
4248 counties in which the proposed electrical power plant will be
4249 located. The newspaper notices, unless otherwise specified,
4250 shall be at least one-half page in size in a standard size
4251 newspaper or a full page in a tabloid size newspaper. These
4252 notices shall include a map generally depicting the project and
4253 all associated facilities corridors. A newspaper of general
4254 circulation shall be the newspaper which has the largest daily
4255 circulation in that county and has its principal office in that
4256 county. If the newspaper with the largest daily circulation has
4257 its principal office outside the county, the notices shall
4258 appear in both the newspaper having the largest circulation in
4259 that county and in a newspaper authorized to publish legal
4260 notices in that county.

4261 (3) All notices published by the applicant shall be paid
4262 for by the applicant and shall be in addition to the application
4263 fee.

4264 (4) The department shall arrange for publication of the
4265 following notices in the manner specified by chapter 120 and
4266 provide copies of those notices to any persons who have
4267 requested to be placed on the departmental mailing list for this
4268 purpose:

4269 (a) Notice of the filing of the notice of intent within 15
4270 days after receipt of the notice.

4271 (b) Notice of the filing of the application, no later than
4272 21 days after the application filing.

4273 (c) Notice of the land use determination made pursuant to
 4274 s. 403.50665~~(2)(1)~~ within 21 days after the determination is
 4275 filed.

4276 (d) Notice of the land use hearing before the
 4277 administrative law judge, if applicable, no later than 15 days
 4278 before the hearing.

4279 (e) Notice of the land use hearing before the board, if
 4280 applicable.

4281 (f) Notice of the certification hearing at least 45 days
 4282 before the date set for the certification hearing.

4283 (g) Notice of the revised deadline for filing alternate
 4284 corridors if the certification hearing is rescheduled to a date
 4285 other than as published in the notice of filing of the
 4286 application. This notice shall be published at least 185 days
 4287 before the rescheduled certification hearing.

4288 ~~(h)(g)~~ Notice of the cancellation of the certification
 4289 hearing, if applicable, no later than 3 days prior to the date
 4290 of the originally scheduled certification hearing.

4291 ~~(i)(h)~~ Notice of the hearing before the board, if
 4292 applicable.

4293 ~~(j)(i)~~ Notice of stipulations, proposed agency action, or
 4294 petitions for modification.

4295 (5) A local government or regional planning council that
 4296 proposes to conduct an informational public meeting pursuant to
 4297 s. 403.50663 must publish notice of the meeting in a newspaper
 4298 of general circulation within the county or counties in which
 4299 the proposed electrical power plant will be located no later
 4300 than 7 days prior to the meeting. A newspaper of general

4301 circulation shall be the newspaper that has the largest daily
 4302 circulation in that county and has its principal office in that
 4303 county. If the newspaper with the largest daily circulation has
 4304 its principal office outside the county, the notices shall
 4305 appear in both the newspaper having the largest circulation in
 4306 that county and in a newspaper authorized to publish legal
 4307 notices in that county.

4308 (6) A proponent of an alternate corridor shall publish
 4309 public notices concerning the filing of a proposal for an
 4310 alternate corridor; the route of the alternate corridor; the
 4311 revised time schedules, if any; the filing deadline for a
 4312 petition to become a party; and the date of the rescheduled
 4313 certification hearing, if necessary. For purposes of this
 4314 subsection, all notices must be published in a newspaper or
 4315 newspapers of general circulation within the county or counties
 4316 affected by the proposed alternate corridor and must comply with
 4317 the requirements provided in subsection (2). The notices must be
 4318 published at least 45 days before the date of the rescheduled
 4319 certification hearing.

4320 Section 76. Paragraph (b) of subsection (1) of section
 4321 403.516, Florida Statutes, is amended to read:

4322 403.516 Modification of certification.--

4323 (1) A certification may be modified after issuance in any
 4324 one of the following ways:

4325 (b)1. The department may modify specific conditions of a
 4326 ~~site~~ certification which are inconsistent with the terms of any
 4327 federally delegated or approved permit for the certified
 4328 electrical power plant.

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4329 2. Such modification may be made without further notice if
 4330 the matter has been previously noticed under the requirements
 4331 for any federally delegated or approved permit program.

4332 Section 77. Paragraphs (a) and (c) of subsection (1) of
 4333 section 403.517, Florida Statutes, are amended to read:

4334 403.517 Supplemental applications for sites certified for
 4335 ultimate site capacity.--

4336 (1)(a) Supplemental applications may be submitted for
 4337 certification of the construction and operation of electrical
 4338 power plants to be located at sites which have been previously
 4339 certified for an ultimate site capacity pursuant to this act.
 4340 Supplemental applications shall be limited to electrical power
 4341 plants using the fuel type previously certified for that site.
 4342 Such applications shall include all new ~~directly~~ associated
 4343 facilities that support the construction and operation of the
 4344 electrical power plant.

4345 (c) The time limits for the processing of a complete
 4346 supplemental application shall be designated by the department
 4347 commensurate with the scope of the supplemental application, but
 4348 shall not exceed any time limitation governing the review of
 4349 initial applications for ~~site~~ certification pursuant to this
 4350 act, it being the legislative intent to provide shorter time
 4351 limitations for the processing of supplemental applications for
 4352 electrical power plants to be constructed and operated at sites
 4353 which have been previously certified for an ultimate site
 4354 capacity.

4355 Section 78. Subsections (1), (2), and (3) of section
 4356 403.5175, Florida Statutes, are amended to read:

4357 403.5175 Existing electrical power plant site
 4358 certification.--

4359 (1) An electric utility that owns or operates an existing
 4360 electrical power plant as defined in s. 403.503 (14) ~~(13)~~ may
 4361 apply for certification of an existing power plant and its site
 4362 in order to obtain all agency licenses necessary to ensure
 4363 compliance with federal or state environmental laws and
 4364 regulation using the centrally coordinated, one-stop licensing
 4365 process established by this part. An application for ~~site~~
 4366 certification under this section must be in the form prescribed
 4367 by department rule. Applications must be reviewed and processed
 4368 using the same procedural steps and notices as for an
 4369 application for a new facility, except that a determination of
 4370 need by the Public Service Commission is not required.

4371 (2) An application for certification under this section
 4372 must include:

4373 (a) A description of the site and existing power plant
 4374 installations and associated facilities;

4375 (b) A description of all proposed changes or alterations
 4376 to the site and ~~or electrical power plant, including~~ all new
 4377 associated facilities that are the subject of the application;

4378 (c) A description of the environmental and other impacts
 4379 caused by the existing utilization of the site and ~~directly~~
 4380 associated facilities, and the operation of the electrical power
 4381 plant that is the subject of the application, and of the
 4382 environmental and other benefits, if any, to be realized as a
 4383 result of the proposed changes or alterations if certification
 4384 is approved and such other information as is necessary for the

4385 reviewing agencies to evaluate the proposed changes and the
 4386 expected impacts;

4387 (d) The justification for the proposed changes or
 4388 alterations;

4389 (e) Copies of all existing permits, licenses, and
 4390 compliance plans authorizing utilization of the site and
 4391 ~~directly~~ associated facilities or operation of the electrical
 4392 power plant that is the subject of the application.

4393 (3) The land use and zoning determination requirements of
 4394 s. 403.50665 do not apply to an application under this section
 4395 if the applicant does not propose to expand the boundaries of
 4396 the existing site or to add additional offsite associated
 4397 facilities that are not exempt from the provisions of s.
 4398 403.50665. If the applicant proposes to expand the boundaries of
 4399 the existing site or to add additional offsite associated
 4400 facilities that are not exempt from the provisions of s.
 4401 403.50665 to accommodate portions of the electrical generating
 4402 facility plant or associated facilities, a land use and zoning
 4403 determination shall be made as specified in s. 403.50665;
 4404 provided, however, that the sole issue for determination is
 4405 whether the proposed site expansion or additional nonexempt
 4406 associated facilities are ~~is~~ consistent and in compliance with
 4407 the existing land use plans and zoning ordinances.

4408 Section 79. Section 403.518, Florida Statutes, is amended
 4409 to read:

4410 403.518 Fees; disposition.--The department shall charge
 4411 the applicant the following fees, as appropriate, which, unless

4412 otherwise specified, shall be paid into the Florida Permit Fee
 4413 Trust Fund:

4414 (1) A fee for a notice of intent pursuant to s. 403.5063,
 4415 in the amount of \$2,500, to be submitted to the department at
 4416 the time of filing of a notice of intent. The notice-of-intent
 4417 fee shall be used and disbursed in the same manner as the
 4418 application fee.

4419 (2) An application fee, which shall not exceed \$200,000.
 4420 The fee shall be fixed by rule on a sliding scale related to the
 4421 size, type, ultimate site capacity, or increase in electrical
 4422 generating capacity proposed by the application.

4423 (a) Sixty percent of the fee shall go to the department to
 4424 cover any costs associated with coordinating the review and
 4425 acting upon the application, to cover any field services
 4426 associated with monitoring construction and operation of the
 4427 facility, and to cover the costs of the public notices published
 4428 by the department.

4429 (b) The following percentages shall be transferred to the
 4430 Operating Trust Fund of the Division of Administrative Hearings
 4431 of the Department of Management Services:

4432 1. Five percent to compensate expenses from the initial
 4433 exercise of duties associated with the filing of an application.

4434 2. An additional 5 percent if a land use hearing is held
 4435 pursuant to s. 403.508.

4436 3. An additional 10 percent if a certification hearing is
 4437 held pursuant to s. 403.508.

4438 (c)1. Upon written request with proper itemized accounting
 4439 within 90 days after final agency action by the board or

4440 department or withdrawal of the application, the agencies that
 4441 prepared reports pursuant to s. 403.507 or participated in a
 4442 hearing pursuant to s. 403.508 may submit a written request to
 4443 the department for reimbursement of expenses incurred during the
 4444 certification proceedings. The request shall contain an
 4445 accounting of expenses incurred which may include time spent
 4446 reviewing the application, preparation of any studies required
 4447 of the agencies by this act, agency travel and per diem to
 4448 attend any hearing held pursuant to this act, and for any ~~agency~~
 4449 ~~or~~ local government's or regional planning council's provision
 4450 of notice of public meetings ~~or hearings~~ required as a result of
 4451 the application for certification. The department shall review
 4452 the request and verify that the expenses are valid. Valid
 4453 expenses shall be reimbursed; however, in the event the amount
 4454 of funds available for reimbursement is insufficient to provide
 4455 for full compensation to the agencies requesting reimbursement,
 4456 reimbursement shall be on a prorated basis.

4457 2. If the application review is held in abeyance for more
 4458 than 1 year, the agencies may submit a request for
 4459 reimbursement. This time period shall be measured from the date
 4460 the applicant has provided written notification to the
 4461 department that it desires to have the application review
 4462 process placed on hold. The fee disbursement shall be processed
 4463 in accordance with subparagraph 1.

4464 (d) If any sums are remaining, the department shall retain
 4465 them for its use in the same manner as is otherwise authorized
 4466 by this act; provided, however, that if the certification
 4467 application is withdrawn, the remaining sums shall be refunded

4468 to the applicant within 90 days after the submittal of the
 4469 written notification of withdrawal.

4470 (3) (a) A certification modification fee, which shall not
 4471 exceed \$30,000. The department shall establish rules for
 4472 determining such a fee based on the number of agencies involved
 4473 in the review, equipment redesign, change in site size, type,
 4474 increase in generating capacity proposed, or change in an
 4475 associated ~~linear~~ facility location.

4476 (b) The fee shall be submitted to the department with a
 4477 petition for modification pursuant to s. 403.516. This fee shall
 4478 be established, disbursed, and processed in the same manner as
 4479 the application fee in subsection (2), except that the Division
 4480 of Administrative Hearings shall not receive a portion of the
 4481 fee unless the petition for certification modification is
 4482 referred to the Division of Administrative Hearings for hearing.
 4483 If the petition is so referred, only \$10,000 of the fee shall be
 4484 transferred to the Operating Trust Fund of the Division of
 4485 Administrative Hearings of the Department of Management
 4486 Services.

4487 (4) A supplemental application fee, not to exceed \$75,000,
 4488 to cover all reasonable expenses and costs of the review,
 4489 processing, and proceedings of a supplemental application. This
 4490 fee shall be established, disbursed, and processed in the same
 4491 manner as the certification application fee in subsection (2).

4492 (5) An existing ~~site~~ certification application fee, not to
 4493 exceed \$200,000, to cover all reasonable costs and expenses of
 4494 the review processing and proceedings for certification of an
 4495 existing power plant site under s. 403.5175. This fee must be

4496 established, disbursed, and processed in the same manner as the
 4497 certification application fee in subsection (2).

4498 (6) An application fee for an alternate corridor filed
 4499 pursuant to s. 403.5064(4). The application fee shall be \$750
 4500 per mile for each mile of the alternate corridor located within
 4501 an existing electric transmission line right-of-way or within an
 4502 existing right-of-way for a road, highway, railroad, or other
 4503 aboveground linear facility, or \$1,000 per mile for each mile of
 4504 an electric transmission line corridor proposed to be located
 4505 outside the existing right-of-way.

4506 Section 80. Paragraphs (a) and (e) of subsection (4) of
 4507 section 403.519, Florida Statutes, are amended to read:

4508 403.519 Exclusive forum for determination of need.--

4509 (4) In making its determination on a proposed electrical
 4510 power plant using nuclear materials or synthesis gas produced by
 4511 integrated gasification combined cycle power plant as fuel, the
 4512 commission shall hold a hearing within 90 days after the filing
 4513 of the petition to determine need and shall issue an order
 4514 granting or denying the petition within 135 days after the date
 4515 of the filing of the petition. The commission shall be the sole
 4516 forum for the determination of this matter and the issues
 4517 addressed in the petition, which accordingly shall not be
 4518 reviewed in any other forum, or in the review of proceedings in
 4519 such other forum. In making its determination to either grant or
 4520 deny the petition, the commission shall consider the need for
 4521 electric system reliability and integrity, including fuel
 4522 diversity, the need for base-load generating capacity, the need
 4523 for adequate electricity at a reasonable cost, and whether

4524 renewable energy sources and technologies, as well as
 4525 conservation measures, are utilized to the extent reasonably
 4526 available.

4527 (a) The applicant's petition shall include:

4528 1. A description of the need for the generation capacity.

4529 2. A description of how the proposed nuclear or integrated
 4530 gasification combined cycle power plant will enhance the
 4531 reliability of electric power production within the state by
 4532 improving the balance of power plant fuel diversity and reducing
 4533 Florida's dependence on fuel oil and natural gas.

4534 3. A description of and a nonbinding estimate of the cost
 4535 of the nuclear or integrated gasification combined cycle power
 4536 plant, including any costs associated with new, expanded, or
 4537 relocated electrical transmission lines or facilities of any
 4538 size that are necessary to serve the nuclear power plant.

4539 4. The annualized base revenue requirement for the first
 4540 12 months of operation of the nuclear or integrated gasification
 4541 combined cycle power plant.

4542 5. Information on whether there were any discussions with
 4543 any electric utilities regarding ownership of a portion of the
 4544 nuclear or integrated gasification combined cycle power plant by
 4545 such electric utilities.

4546 (e) After a petition for determination of need for a
 4547 nuclear or integrated gasification combined cycle power plant
 4548 has been granted, the right of a utility to recover any costs
 4549 incurred prior to commercial operation, including, but not
 4550 limited to, costs associated with the siting, design, licensing,
 4551 or construction of the plant and new, expanded, or relocated

4552 electrical transmission lines or facilities of any size that are
 4553 necessary to serve the nuclear power plant, shall not be subject
 4554 to challenge unless and only to the extent the commission finds,
 4555 based on a preponderance of the evidence adduced at a hearing
 4556 before the commission under s. 120.57, that certain costs were
 4557 imprudently incurred. Proceeding with the construction of the
 4558 nuclear or integrated gasification combined cycle power plant
 4559 following an order by the commission approving the need for the
 4560 nuclear or integrated gasification combined cycle power plant
 4561 under this act shall not constitute or be evidence of
 4562 imprudence. Imprudence shall not include any cost increases due
 4563 to events beyond the utility's control. Further, a utility's
 4564 right to recover costs associated with a nuclear or integrated
 4565 gasification combined cycle power plant may not be raised in any
 4566 other forum or in the review of proceedings in such other forum.
 4567 Costs incurred prior to commercial operation shall be recovered
 4568 pursuant to chapter 366.

4569 Section 81. Subsection (1) of section 403.5252, Florida
 4570 Statutes, is amended to read:

4571 403.5252 Determination of completeness.--

4572 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 4573 application, the affected agencies shall file a statement with
 4574 the department containing the recommendations of each agency
 4575 concerning the completeness of the application for
 4576 certification.

4577 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 4578 application ~~completeness statements of each agency~~, the
 4579 department shall file a statement with the Division of

4580 Administrative Hearings, with the applicant, and with all
 4581 parties declaring its position with regard to the completeness
 4582 of the application. The statement of the department shall be
 4583 based upon its consultation with the affected agencies.

4584 Section 82. Subsection (1) and paragraph (a) of subsection
 4585 (2) of section 403.526, Florida Statutes, are amended to read:

4586 403.526 Preliminary statements of issues, reports, and
 4587 project analyses; studies.--

4588 (1) Each affected agency that is required to file a report
 4589 in accordance with this section shall submit a preliminary
 4590 statement of issues to the department and all parties no later
 4591 than the submittal of each agency's recommendation that the
 4592 application is complete ~~50 days after the filing of the~~
 4593 ~~application. Such statements of issues shall be made available~~
 4594 ~~to each local government for use as information for public~~
 4595 ~~meetings held under s. 403.5272.~~ The failure to raise an issue
 4596 in this preliminary statement of issues does not preclude the
 4597 issue from being raised in the agency's report.

4598 (2) (a) No later than 90 days after the filing of the
 4599 application, the following agencies shall prepare reports as
 4600 provided below, unless a final order denying the determination
 4601 of need has been issued under s. 403.537 ~~and shall submit them~~
 4602 ~~to the department and the applicant no later than 90 days after~~
 4603 ~~the filing of the application:~~

4604 1. The department shall prepare a report as to the impact
 4605 of each proposed transmission line or corridor as it relates to
 4606 matters within its jurisdiction.

4607 2. Each water management district in the jurisdiction of
 4608 which a proposed transmission line or corridor is to be located
 4609 shall prepare a report as to the impact on water resources and
 4610 other matters within its jurisdiction.

4611 3. The Department of Community Affairs shall prepare a
 4612 report containing recommendations which address the impact upon
 4613 the public of the proposed transmission line or corridor, based
 4614 on the degree to which the proposed transmission line or
 4615 corridor is consistent with the applicable portions of the state
 4616 comprehensive plan, emergency management, and other matters
 4617 within its jurisdiction. The Department of Community Affairs may
 4618 also comment on the consistency of the proposed transmission
 4619 line or corridor with applicable strategic regional policy plans
 4620 or local comprehensive plans and land development regulations.

4621 4. The Fish and Wildlife Conservation Commission shall
 4622 prepare a report as to the impact of each proposed transmission
 4623 line or corridor on fish and wildlife resources and other
 4624 matters within its jurisdiction.

4625 5. Each local government shall prepare a report as to the
 4626 impact of each proposed transmission line or corridor on matters
 4627 within its jurisdiction, including the consistency of the
 4628 proposed transmission line or corridor with all applicable local
 4629 ordinances, regulations, standards, or criteria that apply to
 4630 the proposed transmission line or corridor, including local
 4631 comprehensive plans, zoning regulations, land development
 4632 regulations, and any applicable local environmental regulations
 4633 adopted pursuant to s. 403.182 or by other means. A change by
 4634 the responsible local government or local agency in local

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4635 comprehensive plans, zoning ordinances, or other regulations
4636 made after the date required for the filing of the local
4637 government's report required by this section is not applicable
4638 to the certification of the proposed transmission line or
4639 corridor unless the certification is denied or the application
4640 is withdrawn.

4641 6. Each regional planning council shall present a report
4642 containing recommendations that address the impact upon the
4643 public of the proposed transmission line or corridor based on
4644 the degree to which the transmission line or corridor is
4645 consistent with the applicable provisions of the strategic
4646 regional policy plan adopted under chapter 186 and other impacts
4647 of each proposed transmission line or corridor on matters within
4648 its jurisdiction.

4649 7. The Department of Transportation shall prepare a report
4650 as to the impact of the proposed transmission line or corridor
4651 on state roads, railroads, airports, aeronautics, seaports, and
4652 other matters within its jurisdiction.

4653 8. The commission shall prepare a report containing its
4654 determination under s. 403.537, and the report may include the
4655 comments from the commission with respect to any other subject
4656 within its jurisdiction.

4657 9. Any other agency, if requested by the department, shall
4658 also perform studies or prepare reports as to subjects within
4659 the jurisdiction of the agency which may potentially be affected
4660 by the proposed transmission line.

4661 Section 83. Subsection (4) and paragraph (a) of subsection
4662 (6) of section 403.527, Florida Statutes, are amended to read:

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4663 403.527 Certification hearing, parties, participants.--
 4664 (4) (a) One public hearing where members of the public who
 4665 are not parties to the certification hearing may testify shall
 4666 be held in conjunction with the certification hearing ~~within the~~
 4667 ~~boundaries of each county, at the option of any local~~
 4668 ~~government.~~

4669 (b) Upon the request of the local government, one public
 4670 hearing where members of the public who are not parties to the
 4671 certification hearing and who reside within the jurisdiction of
 4672 the local government may testify shall be held within the
 4673 boundaries of each county in which a local government that made
 4674 such a request is located.

4675 (c) ~~(a)~~ A local government shall notify the administrative
 4676 law judge and all parties not later than 50 ~~21~~ days after the
 4677 filing of the application ~~has been determined complete~~ as to
 4678 whether the local government wishes to have a public hearing
 4679 within the boundaries of its county. ~~If a filing for an~~
 4680 ~~alternate corridor is accepted for consideration under s.~~
 4681 ~~403.5271(1) by the department and the applicant, any newly~~
 4682 ~~affected local government must notify the administrative law~~
 4683 ~~judge and all parties not later than 10 days after the data~~
 4684 ~~concerning the alternate corridor has been determined complete~~
 4685 ~~as to whether the local government wishes to have such a public~~
 4686 ~~hearing.~~ The local government is responsible for providing the
 4687 location of the public hearing if held separately from the
 4688 certification hearing.

4689 (d) ~~(b)~~ Within 5 days after notification, the
 4690 administrative law judge shall determine the date of the public

4691 hearing, which shall be held before or during the certification
 4692 hearing. If two or more local governments within one county
 4693 request a public hearing, the hearing shall be consolidated so
 4694 that only one public hearing is held in any county. The location
 4695 of a consolidated hearing shall be determined by the
 4696 administrative law judge.

4697 (e)~~(e)~~ If a local government does not request a public
 4698 hearing within 50 ~~21~~ days after the filing of the application
 4699 ~~has been determined complete~~, members of the public who are not
 4700 parties to the certification hearing and who reside ~~persons~~
 4701 ~~residing~~ within the jurisdiction of the local government may
 4702 testify during the ~~that portion of the certification hearing~~
 4703 held under paragraph (b) at which public testimony is heard.

4704 (6) (a) No later than 29 ~~25~~ days before the certification
 4705 hearing, the department or the applicant may request that the
 4706 administrative law judge cancel the certification hearing and
 4707 relinquish jurisdiction to the department if all parties to the
 4708 proceeding stipulate that there are no disputed issues of
 4709 material fact or law ~~to be raised at the certification hearing.~~

4710 Section 84. Paragraphs (b), (c), and (e) of subsection (1)
 4711 of section 403.5271, Florida Statutes, are amended to read:

4712 403.5271 Alternate corridors.--

4713 (1) No later than 45 days before the originally scheduled
 4714 certification hearing, any party may propose alternate
 4715 transmission line corridor routes for consideration under the
 4716 provisions of this act.

4717 (b)1. Within 7 days after receipt of the notice, the
 4718 applicant and the department shall file with the administrative

4719 law judge and all parties a notice of acceptance or rejection of
 4720 a proposed alternate corridor for consideration. If the
 4721 alternate corridor is rejected by the applicant or the
 4722 department, the certification hearing and the public hearings
 4723 shall be held as scheduled. If both the applicant and the
 4724 department accept a proposed alternate corridor for
 4725 consideration, the certification hearing and the public hearings
 4726 shall be rescheduled, if necessary. If a filing for an alternate
 4727 corridor is accepted for consideration by the department and the
 4728 applicant, any newly affected local government must notify the
 4729 administrative law judge and all parties not later than 10 days
 4730 after the data concerning the alternate corridor has been
 4731 determined complete as to whether the local government wishes to
 4732 have such a public hearing. The local government is responsible
 4733 for providing the location of the public hearing if held
 4734 separately from the certification hearing. The provisions of s.
 4735 403.527(4)(b) and (c) shall apply. Notice of the local hearings
 4736 shall be published in accordance with s. 403.5363.

4737 2. If rescheduled, the certification hearing shall be held
 4738 no more than 90 days after the previously scheduled
 4739 certification hearing, unless the data submitted under paragraph
 4740 (d) is determined to be incomplete, in which case the
 4741 rescheduled certification hearing shall be held no more than 105
 4742 days after the previously scheduled certification hearing. If
 4743 additional time is needed due to the alternate corridor crossing
 4744 a local government jurisdiction that was not previously
 4745 affected, the remainder of the schedule listed below shall be
 4746 appropriately adjusted by the administrative law judge to allow

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4747 that local government to prepare a report pursuant to s.
4748 403.526(2)(a)5. Notice that the certification hearing has been
4749 deferred due to the acceptance of the alternate corridor shall
4750 be published in accordance with s. 403.5363.

4751 (c) Notice of the filing of the alternate corridor, ~~of the~~
4752 ~~revised time schedules, of the deadline for newly affected~~
4753 ~~persons and agencies to file notice of intent to become a party,~~
4754 ~~of the rescheduled hearing date, and of the proceedings~~ shall be
4755 published by the alternate proponent in accordance with s.
4756 403.5363(2). If the notice is not timely published or does not
4757 meet the notice requirements, the alternate shall be deemed
4758 withdrawn.

4759 (e)1. Reviewing agencies shall advise the department of
4760 any issues concerning completeness no later than 15 days after
4761 the submittal of the data required by paragraph (d). Within 22
4762 days after receipt of the data, the department shall issue a
4763 determination of completeness.

4764 2. If the department determines that the data required by
4765 paragraph (d) is not complete, the party proposing the alternate
4766 corridor must file such additional data to correct the
4767 incompleteness. This additional data must be submitted within 14
4768 days after the determination by the department.

4769 3. Reviewing agencies may advise the department of any
4770 issues concerning completeness of the additional data within 10
4771 days after the filing by the party proposing the alternate
4772 corridor. If the department, within 14 days after receiving the
4773 additional data, determines that the data remains incomplete,
4774 the incompleteness of the data is deemed a withdrawal of the

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4775 proposed alternate corridor. The department may make its
 4776 determination based on recommendations made by other affected
 4777 agencies.

4778 Section 85. Subsection (3) of section 403.5272, Florida
 4779 Statutes, is amended to read:

4780 403.5272 Informational public meetings.--

4781 (3) A local government or regional planning council that
 4782 intends to conduct an informational public meeting must provide
 4783 notice of the meeting, with notice sent to all parties listed in
 4784 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and
 4785 to the general public in accordance with s. 403.5363(4).

4786 Section 86. Subsection (1) of section 403.5312, Florida
 4787 Statutes, is amended to read:

4788 403.5312 Filing of notice of certified corridor route.--

4789 (1) Within 60 days after certification of a ~~directly~~
 4790 ~~associated transmission line under ss. 403.501-403.518 or a~~
 4791 transmission line corridor under ss. 403.52-403.5365, the
 4792 applicant shall file with the department and, in accordance with
 4793 s. 28.222, with the clerk of the circuit court for each county
 4794 through which the corridor will pass, a notice of the certified
 4795 route.

4796 Section 87. Section 403.5363, Florida Statutes, is amended
 4797 to read:

4798 403.5363 Public notices; requirements.--

4799 (1)(a) The applicant shall arrange for the publication of
 4800 the notices specified in paragraph (b).

4801 1. The notices shall be published in newspapers of general
 4802 circulation within counties crossed by the transmission line

4803 corridors proper for certification. The required newspaper
 4804 notices ~~for filing of an application and for the certification~~
 4805 ~~hearing shall be one-half page in size in a standard-size~~
 4806 ~~newspaper or a full page in a tabloid size newspaper and~~
 4807 published in a section of the newspaper other than the section
 4808 for legal notices. ~~These two notices must include a map~~
 4809 ~~generally depicting all transmission corridors proper for~~
 4810 ~~certification.~~ A newspaper of general circulation shall be the
 4811 newspaper within a county crossed by a transmission line
 4812 corridor proper for certification which newspaper has the
 4813 largest daily circulation in that county and has its principal
 4814 office in that county. If the newspaper having the largest daily
 4815 circulation has its principal office outside the county, the
 4816 notices must appear in both the newspaper having the largest
 4817 circulation in that county and in a newspaper authorized to
 4818 publish legal notices in that county.

4819 2. The department shall adopt rules specifying the content
 4820 of the newspaper notices.

4821 3. All notices published by the applicant shall be paid
 4822 for by the applicant and shall be in addition to the application
 4823 fee.

4824 (b) Public notices that must be published under this
 4825 section include:

4826 1. The notice of the filing of an application, which must
 4827 include a description of the proceedings required by this act.
 4828 The notice must describe the provisions of s. 403.531(1) and (2)
 4829 and give the date by which notice of intent to be a party or a
 4830 petition to intervene in accordance with s. 403.527(2) must be

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4831 filed. This notice must be published no more than 21 days after
4832 the application is filed. The notice shall, at a minimum, be
4833 one-half page in size in a standard-size newspaper or a full
4834 page in a tabloid-size newspaper. The notice must include a map
4835 generally depicting all transmission corridors proper for
4836 certification.

4837 2. The notice of the certification hearing and any ~~other~~
4838 public hearing held permitted under s. 403.527(4). The notice
4839 must include the date by which a person wishing to appear as a
4840 party must file the notice to do so. The notice of the
4841 originally scheduled certification hearing must be published at
4842 least 65 days before the date set for the certification hearing.
4843 The notice shall meet the size and map requirements set forth in
4844 subparagraph 1.

4845 3. The notice of the cancellation of the certification
4846 hearing under s. 403.527(6), if applicable. The notice must be
4847 published at least 3 days before the date of the originally
4848 scheduled certification hearing. The notice shall, at a minimum,
4849 be one-fourth page in size in a standard-size newspaper or one-
4850 half page in a tabloid-size newspaper. The notice shall not
4851 require a map to be included.

4852 4. The notice of the deferment of the certification
4853 hearing due to the acceptance of an alternate corridor under s.
4854 403.5272(1)(b)2. The notice must be published at least 7 days
4855 before the date of the originally scheduled certification
4856 hearing. The notice shall, at a minimum, be one-eighth page in
4857 size in a standard-size newspaper or one-fourth page in a

4858 tabloid-size newspaper. The notice shall not require a map to be
 4859 included.

4860 5. If the notice of the rescheduled certification hearing
 4861 required of an alternate proponent under s. 403.5271(1)(c) is
 4862 not timely published or does not meet the notice requirements
 4863 such that an alternate corridor is withdrawn under the
 4864 provisions of s. 403.5271(1)(c), the notice of the rescheduled
 4865 hearing and any local hearings shall be provided by the
 4866 applicant at least 30 days prior to the rescheduled
 4867 certification hearing.

4868 6.4. The notice of the filing of a proposal to modify the
 4869 certification submitted under s. 403.5315, if the department
 4870 determines that the modification would require relocation or
 4871 expansion of the transmission line right-of-way or a certified
 4872 substation.

4873 (2) (a) Each ~~The~~ proponent of an alternate corridor shall
 4874 arrange for newspaper notice of the publication of the filing of
 4875 the proposal for an alternate corridor. If there is more than
 4876 one alternate proponent, the proponents may jointly publish
 4877 notice, so long as the content requirements below are met and
 4878 the maps are legible.

4879 (b) The notice shall specify, the revised time schedules,
 4880 the date by which newly affected persons or agencies may file
 4881 the notice of intent to become a party, ~~and~~ the date of the
 4882 rescheduled hearing, and the date of any public hearing held
 4883 under s. 403.5271(1)(b)1.

4884 (c) A notice listed in this subsection must be published
 4885 in a newspaper of general circulation within the county or

4886 | counties crossed by the proposed alternate corridor and comply
 4887 | with the content, size, and map requirements set forth in this
 4888 | section ~~paragraph (1)(a)~~.

4889 | (d) The notice of the alternate corridor proposal must be
 4890 | published not less than 45 ~~50~~ days before the rescheduled
 4891 | certification hearing.

4892 | (3) The department shall arrange for the publication of
 4893 | the following notices in the manner specified by chapter 120:

4894 | (a) The notice of the filing of an application and the
 4895 | date by which a person intending to become a party must file a
 4896 | petition to intervene or a notice of intent to be a party. The
 4897 | notice must be published no later than 21 days after the
 4898 | application has been filed.

4899 | (b) The notice of any administrative hearing for
 4900 | certification, if applicable. The notice must be published not
 4901 | less than 65 days before the date set for a hearing, except that
 4902 | notice for a rescheduled certification hearing after acceptance
 4903 | of an alternative corridor must be published not less than 50
 4904 | days before the date set for the hearing.

4905 | (c) The notice of the cancellation of a certification
 4906 | hearing under s. 403.527(6), if applicable. The notice must be
 4907 | published not later than 7 days before the date of the
 4908 | originally scheduled certification hearing.

4909 | (d) The notice of the deferment of the certification
 4910 | hearing due to the acceptance of an alternate corridor under s.
 4911 | 403.5271(1)(b)2. The notice must be published at least 7 days
 4912 | before the date of the originally scheduled certification
 4913 | hearing.

4914 ~~(e)-(d)~~ The notice of the hearing before the siting board,
 4915 if applicable.

4916 ~~(f)-(e)~~ The notice of stipulations, proposed agency action,
 4917 or a petition for modification.

4918 (4) A local government or regional planning council that
 4919 proposes to conduct an informational public meeting pursuant to
 4920 s. 403.5272 must publish notice of the meeting in a newspaper of
 4921 general circulation within the county or counties in which the
 4922 proposed electrical transmission line will be located no later
 4923 than 7 days prior to the meeting. A newspaper of general
 4924 circulation shall be the newspaper that has the largest daily
 4925 circulation in that county and has its principal office in that
 4926 county. If the newspaper with the largest daily circulation has
 4927 its principal office outside the county, the notices shall
 4928 appear in both the newspaper having the largest circulation in
 4929 that county and in a newspaper authorized to publish legal
 4930 notices in that county.

4931 Section 88. Paragraphs (d) and (e) of subsection (1) of
 4932 section 403.5365, Florida Statutes, are amended to read:

4933 403.5365 Fees; disposition.--The department shall charge
 4934 the applicant the following fees, as appropriate, which, unless
 4935 otherwise specified, shall be paid into the Florida Permit Fee
 4936 Trust Fund:

4937 (1) An application fee.

4938 (d)1. Upon written request with proper itemized accounting
 4939 within 90 days after final agency action by the siting board or
 4940 the department or the written notification of the withdrawal of
 4941 the application, the agencies that prepared reports under s.

4942 403.526 or s. 403.5271 or participated in a hearing under s.
 4943 403.527 or s. 403.5271 may submit a written request to the
 4944 department for reimbursement of expenses incurred during the
 4945 certification proceedings. The request must contain an
 4946 accounting of expenses incurred, which may include time spent
 4947 reviewing the application, preparation of any studies required
 4948 of the agencies by this act, agency travel and per diem to
 4949 attend any hearing held under this act, and for the local
 4950 government or regional planning council providing additional
 4951 notice of the informational public meeting. The department shall
 4952 review the request and verify whether a claimed expense is
 4953 valid. Valid expenses shall be reimbursed; however, if the
 4954 amount of funds available for reimbursement is insufficient to
 4955 provide for full compensation to the agencies, reimbursement
 4956 shall be on a prorated basis.

4957 2. If the application review is held in abeyance for more
 4958 than 1 year, the agencies may submit a request for reimbursement
 4959 under subparagraph 1. This time period shall be measured from
 4960 the date the applicant has provided written notification to the
 4961 department that it desires to have the application review
 4962 process placed on hold. The fee disbursement shall be processed
 4963 in accordance with subparagraph 1.

4964 (e) If any sums are remaining, the department shall retain
 4965 them for its use in the same manner as is otherwise authorized
 4966 by this section; however, if the certification application is
 4967 withdrawn, the remaining sums shall be refunded to the applicant
 4968 within 90 days after submittal of the written notification of
 4969 withdrawal.

4970 Section 89. Subsection (6) of section 403.814, Florida
 4971 Statutes, is amended to read:

4972 403.814 General permits; delegation.--

4973 (6) Construction and maintenance of electric transmission
 4974 or distribution lines in wetlands by electric utilities, as
 4975 defined in s. 366.02, shall be authorized by general permit
 4976 provided the following provisions are implemented:

4977 (a) All permanent fill shall be at grade. Fill shall be
 4978 limited to that necessary for the electrical support structures,
 4979 towers, poles, guy wires, stabilizing backfill, and at-grade
 4980 access roads limited to 20-foot widths; and

4981 (b) The permittee may utilize access and work areas
 4982 limited to the following: a linear access area of up to 25 feet
 4983 wide between electrical support structures, an access area of up
 4984 to 25 feet wide to electrical support structures from the edge
 4985 of the right-of-way, and a work area around the electrical
 4986 support structures, towers, poles, and guy wires. These areas
 4987 may be cleared to ground, including removal of stumps as
 4988 necessary; and

4989 (c) Vegetation within wetlands may be cut or removed no
 4990 lower than the soil surface under the conductor, and 20 feet to
 4991 either side of the outermost conductor, while maintaining the
 4992 remainder of the project right-of-way within the wetland by
 4993 selectively clearing vegetation which has an expected mature
 4994 height above 14 feet. Brazilian pepper, Australian pine, and
 4995 melaleuca shall be eradicated throughout the wetland portion of
 4996 the right-of-way; and

4997 (d) Erosion control methods shall be implemented as
 4998 necessary to ensure that state water quality standards for
 4999 turbidity are met. Diversion and impoundment of surface waters
 5000 shall be minimized; and

5001 (e) The proposed construction and clearing shall not
 5002 adversely affect threatened and endangered species; and

5003 (f) The proposed construction and clearing shall not
 5004 result in a permanent change in existing ground surface
 5005 elevation; and

5006 (g) Where fill is placed in wetlands, the clearing to
 5007 ground of forested wetlands is restricted to 4.0 acres per 10-
 5008 mile section of the project, with no more than one impact site
 5009 exceeding 0.5 acres. The impact site which exceeds 0.5 acres
 5010 shall not exceed 2.0 acres. The total forested wetland clearing
 5011 to the ground per 10-mile section shall not exceed 15 acres. The
 5012 10-mile sections shall be measured from the beginning to the
 5013 terminus, or vice versa, and the section shall not end in a
 5014 wetland; and

5015 (h) The general permit authorized by this subsection shall
 5016 not apply in forested wetlands located within 550 feet from the
 5017 shoreline of a named water body designated as an Outstanding
 5018 Florida Water; and

5019 (i) This subsection applies to transmission lines and
 5020 appurtenances certified under part II of this chapter. However,
 5021 the criteria of the general permit shall not affect the
 5022 authority of the siting board to condition certification of
 5023 transmission lines as authorized under part II of this chapter.

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5025 Maintenance of existing electric lines and clearing of
 5026 vegetation in wetlands conducted without the placement of
 5027 structures in wetlands or other dredge and fill activities does
 5028 not require an individual or general construction permit. For
 5029 the purpose of this subsection, wetlands shall mean the landward
 5030 extent of waters of the state regulated under s. 403.927 ~~ss.~~
 5031 ~~403.91 403.929~~ and isolated and nonisolated wetlands regulated
 5032 under part IV of chapter 373. The provisions provided in this
 5033 subsection apply to the permitting requirements of the
 5034 department, any water management district, and any local
 5035 government implementing part IV of chapter 373 or part VIII of
 5036 this chapter.

5037 Section 90. Section 489.145, Florida Statutes, is amended
 5038 to read:

5039 489.145 Guaranteed energy, water, and wastewater
 5040 performance savings contracting.--

5041 (1) SHORT TITLE.--This section may be cited as the
 5042 "Guaranteed Energy, Water, and Wastewater Performance Savings
 5043 Contracting Act."

5044 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 5045 investment in energy, water, and wastewater efficiency and
 5046 conservation measures in agency facilities can reduce the amount
 5047 of energy and water consumed and wastewater produced and produce
 5048 immediate and long-term savings. It is the policy of this state
 5049 to encourage each agency ~~agencies~~ to invest in energy, water,
 5050 and wastewater efficiency and conservation measures that reduce
 5051 ~~energy consumption, produce a cost savings for the agency, and~~
 5052 ~~improve the quality of indoor air in public facilities and to~~

5053 ~~operate, maintain, and, when economically feasible, build or~~
 5054 ~~renovate existing agency facilities in such a manner as to~~
 5055 minimize energy and water consumption and wastewater production
 5056 and maximize energy, water, and wastewater savings. It is
 5057 further the policy of this state to encourage agencies to
 5058 reinvest any ~~energy~~ savings resulting from energy, water, and
 5059 wastewater efficiency and conservation measures in additional
 5060 energy, water, and wastewater efficiency and conservation
 5061 measures efforts.

5062 (3) DEFINITIONS.--As used in this section, the term:

5063 (a) "Agency" means the state, a municipality, or a
 5064 political subdivision.

5065 (b) "Energy, water, and wastewater efficiency and
 5066 conservation measure" means a training program incidental to the
 5067 contract, facility alteration, or equipment purchase to be used
 5068 in new construction, including an addition to ~~an~~ existing
 5069 facilities or infrastructure facility, which reduces energy or
 5070 water consumption, wastewater production, or energy-related
 5071 operating costs and includes, but is not limited to:

5072 1. Insulation of the facility structure and systems within
 5073 the facility.

5074 2. Storm windows and doors, caulking or weatherstripping,
 5075 multiglazed windows and doors, heat-absorbing, or heat-
 5076 reflective, glazed and coated window and door systems,
 5077 additional glazing, reductions in glass area, and other window
 5078 and door system modifications that reduce energy consumption.

5079 3. Automatic energy control systems.

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- 5080 4. Heating, ventilating, or air-conditioning system
 5081 modifications or replacements.
- 5082 5. Replacement or modifications of lighting fixtures to
 5083 increase the energy efficiency of the lighting system, which, at
 5084 a minimum, must conform to the applicable state or local
 5085 building code.
- 5086 6. Energy recovery systems.
- 5087 7. Cogeneration systems that produce steam or forms of
 5088 energy such as heat, as well as electricity, for use primarily
 5089 within a facility or complex of facilities.
- 5090 8. Energy conservation measures that reduce British
 5091 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
 5092 consumed or provide long-term operating cost reductions ~~or~~
 5093 ~~significantly reduce Btu consumed.~~
- 5094 9. Renewable energy systems, such as solar, biomass, or
 5095 wind systems.
- 5096 10. Devices that reduce water consumption or sewer
 5097 charges.
- 5098 11. Energy storage systems, such as fuel cells and thermal
 5099 storage.
- 5100 12. Energy-generating ~~generating~~ technologies, such as
 5101 microturbines.
- 5102 13. Any other repair, replacement, or upgrade of existing
 5103 equipment.
- 5104 (c) "Energy, water, or wastewater cost savings" means a
 5105 measured reduction in the cost of fuel, energy or water
 5106 consumption, wastewater production, and stipulated operation and
 5107 maintenance created from the implementation of one or more

5108 energy, water, or wastewater efficiency or conservation measures
 5109 when compared with an established baseline for the previous cost
 5110 of fuel, energy or water consumption, wastewater production, and
 5111 stipulated operation and maintenance.

5112 (d) "Guaranteed energy, water, and wastewater performance
 5113 savings contract" means a contract for the evaluation,
 5114 recommendation, and implementation of energy, water, or
 5115 wastewater efficiency or conservation measures, which, at a
 5116 minimum, shall include:

5117 1. The design and installation of equipment to implement
 5118 one or more of such measures and, if applicable, operation and
 5119 maintenance of such measures.

5120 2. The amount of any actual annual savings that meet or
 5121 exceed total annual contract payments made by the agency for the
 5122 contract and may include allowable cost avoidance if determined
 5123 appropriate by the Chief Financial Officer.

5124 3. The finance charges incurred by the agency over the
 5125 life of the contract.

5126 (e) "Guaranteed energy, water, and wastewater performance
 5127 savings contractor" means a person or business that is licensed
 5128 under chapter 471, chapter 481, or this chapter, ~~and is~~
 5129 experienced in the analysis, design, implementation, or
 5130 installation of energy, water, and wastewater efficiency and
 5131 conservation measures through energy performance contracts.

5132 (4) PROCEDURES.--

5133 (a) An agency may enter into a guaranteed energy, water,
 5134 and wastewater performance savings contract with a guaranteed
 5135 energy, water, and wastewater performance savings contractor to

5136 ~~significantly~~ reduce energy or water consumption, wastewater
 5137 production, or energy-related operating costs of an agency
 5138 facility through one or more energy, water, or wastewater
 5139 efficiency or conservation measures.

5140 (b) Before design and installation of energy, water, or
 5141 wastewater efficiency and conservation measures, the agency must
 5142 obtain from a guaranteed energy, water, and wastewater
 5143 performance savings contractor a report that summarizes the
 5144 costs associated with the energy, water, or wastewater
 5145 efficiency and conservation measures or energy-related
 5146 operational cost saving measures and provides an estimate of the
 5147 amount of the ~~energy~~ cost savings. The agency and the guaranteed
 5148 energy, water, and wastewater performance savings contractor may
 5149 enter into a separate agreement to pay for costs associated with
 5150 the preparation and delivery of the report; however, payment to
 5151 the contractor shall be contingent upon the report's projection
 5152 of energy, water, and wastewater cost savings being equal to or
 5153 greater than the total projected costs of the design and
 5154 installation of the report's energy conservation measures.

5155 (c) The agency may enter into a guaranteed energy, water,
 5156 and wastewater performance savings contract with a guaranteed
 5157 energy, water, and wastewater performance savings contractor if
 5158 the agency finds that the amount the agency would spend on the
 5159 energy, water, and wastewater efficiency and conservation
 5160 measures will not likely exceed the amount of the ~~energy~~ cost
 5161 savings for up to 20 years from the date of installation, based
 5162 on the life cycle cost calculations provided in s. 255.255, if
 5163 the recommendations in the report were followed and if the

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5164 qualified provider or providers give a written guarantee that
5165 the ~~energy~~ cost savings will meet or exceed the costs of the
5166 system. However, actual computed cost savings must meet or
5167 exceed the estimated cost savings provided in each agency's
5168 program approval. Baseline adjustments used in calculations must
5169 be specified in the contract. The contract may provide for
5170 installment payments for a period not to exceed 20 years.

5171 (d) A guaranteed energy, water, and wastewater performance
5172 savings contractor must be selected in compliance with s.
5173 287.055; except that if fewer than three firms are qualified to
5174 perform the required services, the requirement for agency
5175 selection of three firms, as provided in s. 287.055(4)(b), and
5176 the bid requirements of s. 287.057 do not apply.

5177 (e) Before entering into a guaranteed energy, water, and
5178 wastewater performance savings contract, an agency must provide
5179 published notice of the meeting in which it proposes to award
5180 the contract, the names of the parties to the proposed contract,
5181 and the contract's purpose.

5182 (f) A guaranteed energy, water, and wastewater performance
5183 savings contract may provide for financing, including tax-exempt
5184 financing, by a third party. The contract for third-party ~~third~~
5185 ~~party~~ financing may be separate from the energy, water, and
5186 wastewater performance contract. A separate contract for third-
5187 party ~~third-party~~ financing under this paragraph must include a
5188 provision that the third-party ~~third-party~~ financier must not be
5189 granted rights or privileges that exceed the rights and
5190 privileges available to the guaranteed energy, water, and
5191 wastewater performance savings contractor.

5192 (g) Financing for guaranteed energy, water, and wastewater
 5193 performance savings contracts may be provided under the
 5194 authority of s. 287.064.

5195 (h) The Office of the Chief Financial Officer shall review
 5196 proposals from state agencies to ensure that the most effective
 5197 financing is being used.

5198 (i) Annually, the agency that has entered into the
 5199 contract shall provide the Department of Management Services and
 5200 the Chief Financial Officer the measurement and verification
 5201 report required by the contract to validate that savings have
 5202 occurred.

5203 (j)~~(g)~~ In determining the amount the agency will finance
 5204 to acquire the energy, water, and wastewater efficiency and
 5205 conservation measures, the agency may reduce such amount by the
 5206 application of any grant moneys, rebates, or capital funding
 5207 available to the agency for the purpose of buying down the cost
 5208 of the guaranteed energy, water, and wastewater performance
 5209 savings contract. However, in calculating the life cycle cost as
 5210 required in paragraph (c), the agency shall not apply any
 5211 grants, rebates, or capital funding.

5212 (5) CONTRACT PROVISIONS.--

5213 (a) A guaranteed energy, water, and wastewater performance
 5214 savings contract must include a written guarantee that may
 5215 include, but is not limited to the form of, a letter of credit,
 5216 insurance policy, or corporate guarantee by the guaranteed
 5217 energy, water, and wastewater performance savings contractor
 5218 that annual ~~energy~~ cost savings will meet or exceed the

5219 | amortized cost of energy, water, and wastewater efficiency and
 5220 | conservation measures.

5221 | (b) The guaranteed energy, water, and wastewater
 5222 | performance savings contract must provide that all payments,
 5223 | except obligations on termination of the contract before its
 5224 | expiration, may be made over time, but not to exceed 20 years
 5225 | from the date of complete installation and acceptance by the
 5226 | agency, and that the annual savings are guaranteed to the extent
 5227 | necessary to make annual payments to satisfy the guaranteed
 5228 | energy, water, and wastewater performance savings contract.

5229 | (c) The guaranteed energy, water, and wastewater
 5230 | performance savings contract must require that the guaranteed
 5231 | energy, water, and wastewater performance savings contractor to
 5232 | whom the contract is awarded provide a 100-percent public
 5233 | construction bond to the agency for its faithful performance, as
 5234 | required by s. 255.05.

5235 | (d) The guaranteed energy, water, and wastewater
 5236 | performance savings contract may contain a provision allocating
 5237 | to the parties to the contract any annual ~~energy~~ cost savings
 5238 | that exceed the amount of the ~~energy~~ cost savings guaranteed in
 5239 | the contract.

5240 | (e) The guaranteed energy, water, and wastewater
 5241 | performance savings contract shall require the guaranteed
 5242 | energy, water, and wastewater performance savings contractor to
 5243 | provide to the agency an annual reconciliation of the guaranteed
 5244 | energy or associated cost savings. If the reconciliation reveals
 5245 | a shortfall in annual energy or associated cost savings, the
 5246 | guaranteed energy, water, and wastewater performance savings

5247 contractor is liable for such shortfall. If the reconciliation
 5248 reveals an excess in annual ~~energy~~ cost savings, the excess
 5249 savings may be allocated under paragraph (d) but may not be used
 5250 to cover potential energy or associated cost savings shortages
 5251 in subsequent contract years.

5252 (f) The guaranteed energy, water, and wastewater
 5253 performance savings contract must provide for payments of not
 5254 less than one-twentieth of the price to be paid within 2 years
 5255 from the date of the complete installation and acceptance by the
 5256 agency using straight-line amortization for the term of the
 5257 loan, and the remaining costs to be paid at least quarterly, not
 5258 to exceed a 20-year term, based on life cycle cost calculations.

5259 (g) The guaranteed energy, water, and wastewater
 5260 performance savings contract may extend beyond the fiscal year
 5261 in which it becomes effective; however, the term of any contract
 5262 expires at the end of each fiscal year and may be automatically
 5263 renewed annually for up to 20 years, subject to the agency
 5264 making sufficient annual appropriations based upon continued
 5265 realized energy, water, and wastewater savings.

5266 (h) The guaranteed energy, water, and wastewater
 5267 performance savings contract must stipulate that it does not
 5268 constitute a debt, liability, or obligation of the state.

5269 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 5270 Department of Management Services, with the assistance of the
 5271 Office of the Chief Financial Officer, shall ~~may~~, within
 5272 available resources, provide technical content assistance to
 5273 state agencies contracting for energy, water, and wastewater
 5274 efficiency and conservation measures and engage in other

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5275 activities considered appropriate by the department for
5276 promoting and facilitating guaranteed energy, water, and
5277 wastewater performance contracting by state agencies. The
5278 Department of Management Services shall review the investment-
5279 grade audit for each proposed project and certify that the cost
5280 savings are appropriate and sufficient for the term of the
5281 contract. The Office of the Chief Financial Officer, with the
5282 assistance of the Department of Management Services, shall ~~may~~,
5283 within available resources, develop model contractual and
5284 related documents for use by state agencies. Prior to entering
5285 into a guaranteed energy, water, and wastewater performance
5286 savings contract, any contract or lease for third-party
5287 financing, or any combination of such contracts, a state agency
5288 shall submit such proposed contract or lease to the Office of
5289 the Chief Financial Officer for review and approval. A proposed
5290 contract or lease shall include:

5291 (a) Supporting information required by s. 216.023(4)(a)9.
5292 in ss. 287.063(5) and 287.064(11). For contracts approved under
5293 this section, the criteria may, add a minimum, include the
5294 specification of a benchmark cost of capital and minimum real
5295 rate of return on energy, water, or wastewater savings against
5296 which proposals shall be evaluated.

5297 (b) Documentation supporting recurring funds requirements
5298 in ss. 287.063(5) and 287.064(11).

5299 (c) Approval by the head of the agency or his or her
5300 designee.

5301 (d) An agency measurement and verification plan to monitor
5302 cost savings.

5303 (7) FUNDING SUPPORT.--For purposes of consolidated
 5304 financing of deferred payment commodity contracts under this
 5305 section by an agency, any such contract must be supported from
 5306 available funds appropriated to the agency in an appropriation
 5307 category, as defined in chapter 216, that the Chief Financial
 5308 Officer has determined is appropriate or that the Legislature
 5309 has designated for payment of the obligation incurred under this
 5310 section.

5311
 5312 The Office of the Chief Financial Officer shall not approve any
 5313 contract submitted under this section from a state agency that
 5314 does not meet the requirements of this section.

5315 Section 91. Section 526.201, Florida Statutes, is created
 5316 to read:

5317 526.201 Short title.--Sections 526.201-526.207 may be
 5318 cited as the "Florida Renewable Fuel Standard Act."

5319 Section 92. Section 526.202, Florida Statutes, is created
 5320 to read:

5321 526.202 Legislative findings.--The Legislature finds it is
 5322 vital to the public interest and to the state's economy to
 5323 establish a market and the necessary infrastructure for
 5324 renewable fuels in this state by requiring that all gasoline
 5325 fuel offered for sale in this state include a percentage of
 5326 agriculturally derived, denatured ethanol. The Legislature
 5327 further finds that the use of renewable fuel reduces greenhouse
 5328 gas emissions and dependence on imports of foreign oil, improves
 5329 the health and quality of life for Floridians, and stimulates
 5330 economic development and the creation of a sustainable industry

5331 that combines agricultural production with state-of-the-art
 5332 technology.

5333 Section 93. Section 526.203, Florida Statutes, is created
 5334 to read:

5335 526.203 Renewable fuel standard.--

5336 (1) DEFINITIONS.--As used in this act:

5337 (a) "Blender," "importer," "terminal supplier," and
 5338 "wholesaler" are defined as provided in s. 206.01.

5339 (b) "Blended gasoline" means a mixture of 90 percent
 5340 gasoline and 10 percent fuel ethanol meeting the specifications
 5341 adopted by the Department of Agriculture and Consumer Services.

5342 The 10-percent fuel ethanol portion may be derived from any
 5343 agricultural source.

5344 (c) "Fuel ethanol" means an anhydrous denatured alcohol
 5345 produced by the conversion of carbohydrates meeting the
 5346 specifications adopted by the Department of Agriculture and
 5347 Consumer Services.

5348 (d) "Unblended gasoline" means gasoline that has not been
 5349 blended with fuel ethanol meeting the specifications adopted by
 5350 the Department of Agriculture and Consumer Services.

5351 (e) "10 percent" means 9 to 10 percent ethanol by volume.

5352 (2) FUEL STANDARD.--Beginning December 31, 2010, all
 5353 gasoline sold or offered for sale in the state by a terminal
 5354 supplier, importer, blender, or wholesaler shall contain, at a
 5355 minimum, 10 percent of agriculturally derived, denatured fuel
 5356 ethanol by volume.

5357 (3) EXEMPTIONS.--The requirements of this act do not apply
 5358 to the following:

- 5359 (a) Fuel used in aircraft.
- 5360 (b) Fuel sold at marinas and mooring docks for use in
- 5361 boats and similar watercraft.
- 5362 (c) Fuel sold to a blender.
- 5363 (d) Fuel sold for use in collector vehicles or vehicles
- 5364 eligible to be licensed as collector vehicles, off-road
- 5365 vehicles, motorcycles, or small engines.
- 5366 (e) Fuel unable to comply due to requirements of the
- 5367 United States Environmental Protection Agency.
- 5368 (f) Fuel bulk transferred between terminals.
- 5369 (g) Fuel exported from the state in accordance with s.
- 5370 206.052.
- 5371 (h) Fuel qualifying for any exemption in accordance with
- 5372 chapter 206.
- 5373 (i) Fuel at an electric power plant that is regulated by
- 5374 the United States Nuclear Regulatory Commission unless such
- 5375 commission has approved the use of fuel meeting the requirements
- 5376 of subsection (2).
- 5377 (j) Fuel for a railroad locomotive.
- 5378 (k) Fuel for equipment, including vehicles or vessels,
- 5379 covered by a warranty that would be voided, if explicitly stated
- 5380 in writing by the manufacturer, if it were to be operated using
- 5381 fuel meeting the requirements of subsection (2).
- 5382 (4) REPORT.--Pursuant to s. 206.43, each terminal
- 5383 supplier, importer, blender, and wholesaler shall include in its
- 5384 report to the Department of Revenue the number of gallons of
- 5385 gasoline fuel meeting and not meeting the requirements of this
- 5386 act that are sold and delivered by the terminal supplier,

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5387 importer, blender, or wholesaler in the state and the county to
 5388 which the gasoline was delivered for resale at retail or use.

5389 Section 94. Section 526.204, Florida Statutes, is created
 5390 to read:

5391 526.204 Waivers and suspensions.--

5392 (1) If a terminal supplier, importer, blender, or
 5393 wholesaler is unable to obtain fuel ethanol or blended gasoline
 5394 at the same or a lower price as unblended gasoline, the sale or
 5395 delivery of unblended gasoline by the terminal supplier,
 5396 importer, blender, or wholesaler shall not be deemed a violation
 5397 of this act. The terminal supplier, importer, blender, or
 5398 wholesaler shall, upon request of the Department of Revenue or
 5399 the Department of Agriculture and Consumer Services, provide the
 5400 required documentation regarding the sales transaction and price
 5401 of fuel ethanol, blended gasoline, and unblended gasoline to the
 5402 department making the request.

5403 (2) To account for supply disruptions and ensure reliable
 5404 supplies of motor fuels in the state, the requirements of this
 5405 act shall be suspended when the provisions of s. 252.36(2) in
 5406 any area of the state are in effect plus an additional 30 days.

5407 Section 95. Section 526.205, Florida Statutes, is created
 5408 to read:

5409 526.205 Enforcement.--

5410 (1) It is unlawful to sell or distribute, or offer for
 5411 sale or distribution, any gasoline that fails to meet the
 5412 requirements of this act.

5413 (2) Upon determining that a terminal supplier, importer,
 5414 blender, or wholesaler is not meeting the requirements of s.

5415 526.203(2), the Department of Revenue shall notify the
 5416 Department of Agriculture and Consumer Services.

5417 (3) Upon notification by the Department of Revenue of a
 5418 violation of this act, the Department of Agriculture and
 5419 Consumer Services shall, subject to subsection (1), grant an
 5420 extension or enter an order imposing one or more of the
 5421 following penalties:

5422 (a) Issuance of a warning letter.

5423 (b) Imposition of an administrative fine of not more than
 5424 \$1,000 per violation for a first-time offender. For a second-
 5425 time or repeat offender, or for any person who is shown to have
 5426 willfully and intentionally violated any provision of this act,
 5427 the administrative fine shall not exceed \$5,000 per violation.
 5428 When imposing any fine under this section, the department shall
 5429 consider the monetary benefit to the violator as a result of
 5430 noncompliance, whether the violation was committed willfully,
 5431 and the compliance record of the violator.

5432 (4) Any terminal supplier, importer, blender, or
 5433 wholesaler may apply to the Department of Agriculture and
 5434 Consumer Services by September 30, 2010, for an extension of
 5435 time to comply with the requirements of this act. The
 5436 application for an extension shall demonstrate that the
 5437 applicant has made a good faith effort to comply with the
 5438 requirements but has been unable to do so for reasons beyond the
 5439 applicant's control, such as delays in receiving governmental
 5440 permits. The department shall review each application and make a
 5441 determination as to whether the failure to comply was beyond the
 5442 control of the applicant. If the department determines that the

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5443 applicant made a good faith effort to comply but was unable to
5444 do so for reasons beyond the applicant's control, the department
5445 shall grant an extension of time determined necessary for the
5446 applicant to comply. If no extension is granted, the department
5447 shall proceed with enforcement pursuant to subsection (3).

5448 Section 96. Section 526.206, Florida Statutes, is created
5449 to read:

5450 526.206 Rules.--The Department of Revenue and the
5451 Department of Agriculture and Consumer Services are authorized
5452 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
5453 implement the provisions of this act.

5454 Section 97. Section 526.207, Florida Statutes, is created
5455 to read:

5456 526.207 Studies and reports.--

5457 (1) The Florida Energy and Climate Commission shall
5458 conduct a study to evaluate and recommend the life-cycle
5459 greenhouse gas emissions associated with all renewable fuels,
5460 including, but not limited to, biodiesel, renewable diesel,
5461 biobutanol, and ethanol derived from any source. In addition,
5462 the commission shall evaluate and recommend a requirement that
5463 all renewable fuels introduced into commerce in the state, as a
5464 result of the renewable fuel standard, reduce the life-cycle
5465 greenhouse gas emissions by an average percentage. The
5466 commission may also evaluate and recommend any benefits
5467 associated with the creation, banking, transfer, and sale of
5468 credits among fuel refiners, blenders, and importers.

5469 (2) The Florida Energy and Climate Commission shall submit
5470 a report containing specific recommendations to the President of

5471 the Senate and the Speaker of the House of Representatives no
 5472 later than December 31, 2010.

5473 Section 98. Paragraph (a) of subsection (6) of section
 5474 553.73, Florida Statutes, is amended to read:

5475 553.73 Florida Building Code.--

5476 (6) (a) The commission, by rule adopted pursuant to ss.
 5477 120.536(1) and 120.54, shall update the Florida Building Code
 5478 every 3 years. When updating the Florida Building Code, the
 5479 commission shall select the most current version of the
 5480 International Building Code, the International Fuel Gas Code,
 5481 the International Mechanical Code, the International Plumbing
 5482 Code, and the International Residential Code, all of which are
 5483 adopted by the International Code Council, and the National
 5484 Electrical Code, which is adopted by the National Fire
 5485 Protection Association, to form the foundation codes of the
 5486 updated Florida Building Code, if the version has been adopted
 5487 by the applicable model code entity and made available to the
 5488 public at least 6 months prior to its selection by the
 5489 commission. The commission shall select the most current version
 5490 of the International Energy Conservation Code (IECC) as a
 5491 foundation code; however, the IECC shall be modified by the
 5492 commission to maintain the overall efficiencies of the Florida
 5493 Energy Efficiency Code for Building Construction adopted and
 5494 amended pursuant to part IV of this chapter.

5495 Section 99. Section 553.9061, Florida Statutes, is created
 5496 to read:

5497 553.9061 Scheduled increases in thermal efficiency
 5498 standards.--

5499 (1) The purpose of this section is to establish a schedule
 5500 of increases in the energy performance of buildings subject to
 5501 the Florida Energy Efficiency Code for Building Construction.
 5502 The Florida Building Commission shall:

5503 (a) Include the necessary provisions by the 2010 edition
 5504 of the Florida Energy Efficiency Code for Building Construction
 5505 to increase the energy performance of new buildings by at least
 5506 20 percent as compared to the energy efficiency provisions of
 5507 the 2007 Florida Building Code adopted October 31, 2007.

5508 (b) Increase energy efficiency requirements by the 2013
 5509 edition of the Florida Energy Efficiency Code for Building
 5510 Construction by at least 30 percent as compared to the energy
 5511 efficiency provisions of the 2007 Florida Building Code adopted
 5512 October 31, 2007.

5513 (c) Increase energy efficiency requirements by the 2016
 5514 edition of the Florida Energy Efficiency Code for Building
 5515 Construction by at least 40 percent as compared to the energy
 5516 efficiency provisions of the 2007 Florida Building Code adopted
 5517 October 31, 2007.

5518 (d) Increase energy efficiency requirements by the 2019
 5519 edition of the Florida Energy Efficiency Code for Building
 5520 Construction by at least 50 percent as compared to the energy
 5521 efficiency provisions of the 2007 Florida Building Code adopted
 5522 October 31, 2007.

5523 (2) The Florida Building Commission shall identify within
 5524 code support and compliance documentation the specific building
 5525 options and elements available to meet the energy performance
 5526 goals established in subsection (1).

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5527 (3) The Florida Building Commission shall, prior to
5528 implementing the goals established in subsection (1), adopt by
5529 rule and implement a cost-effectiveness test for proposed
5530 increases in energy efficiency. The cost-effectiveness test
5531 shall measure cost-effectiveness to the average consumer and
5532 shall ensure that energy efficiency increases result in a
5533 positive net financial impact to the average consumer. The rule
5534 shall not become effective until the conclusion of the next
5535 regular session of the Legislature following its adoption.

5536 Section 100. Subsection (1) of section 553.909, Florida
5537 Statutes, is amended, subsections (3) and (4) are renumbered as
5538 subsections (4) and (5), respectively, and a new subsection (3)
5539 is added to that section, to read:

5540 553.909 Setting requirements for appliances; exceptions.--

5541 (1) The Florida Energy Efficiency Code for Building
5542 Construction shall set the minimum requirements for commercial
5543 or residential swimming pool pumps, swimming pool water heaters,
5544 and ~~heat traps and thermostat settings for~~ water heaters used to
5545 heat potable water sold for residential use. The code shall
5546 further establish the minimum acceptable standby loss for
5547 electric water heaters and the minimum recovery efficiency and
5548 standby loss for water heaters fueled by natural gas or
5549 liquefied petroleum gas.

5550 (3) Commercial or residential swimming pool pumps or water
5551 heaters sold after July 1, 2011, shall comply with the
5552 requirements of this subsection. Natural gas pool heaters shall
5553 not be equipped with constantly burning pilots. Heat pump pool
5554 heaters shall have a coefficient of performance at low

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5555 temperature of not less than 4.0. The thermal efficiency of gas-
 5556 fired pool heaters and oil-fired pool heaters shall not be less
 5557 than 80 percent. All pool heaters shall have a readily
 5558 accessible on-off switch that is mounted outside the heater and
 5559 that allows shutting off the heater without adjusting the
 5560 thermostat setting.

5561 Section 101. Subsection (1) of section 553.957, Florida
 5562 Statutes, is amended to read:

5563 553.957 Products covered by this part.--

5564 (1) The provisions of this part apply to the testing,
 5565 certification, and enforcement of energy conservation standards
 5566 for the following types of new commercial and residential
 5567 products sold in the state:

5568 (a) Refrigerators, refrigerator-freezers, and freezers
 5569 which can be operated by alternating current electricity,
 5570 excluding:

- 5571 1. Any type designed to be used without doors; and
- 5572 2. Any type which does not include a compressor and
 5573 condenser unit as an integral part of the cabinet assembly.

5574 (b) Lighting equipment.

5575 (c) Showerheads.

5576 (d) Water heaters used to heat potable water in homes or
 5577 businesses.

5578 (e) Swimming pool pumps.

5579 (f) Water heaters for swimming pools.

5580 (g) ~~(d)~~ Any other type of consumer product which the
 5581 department classifies as a covered product as specified in this
 5582 part.

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5583 Section 102. (1) By July 1, 2009, the Agency for
5584 Enterprise Information Technology shall define objective
5585 standards for:

5586 (a) Measuring data center energy consumption and
5587 efficiency, including, but not limited to, airflow and cooling,
5588 power consumption and distribution, and environmental control
5589 systems in a data center facility.

5590 (b) Calculating total cost of ownership of energy-
5591 efficient information technology products, including initial
5592 purchase, installation, ongoing operation and maintenance, and
5593 disposal costs over the life cycle of the product.

5594 (2) State data centers and computing facilities designated
5595 by the Agency for Enterprise Information Technology shall
5596 evaluate their data center facilities for energy efficiency
5597 using the standards established pursuant to this section.

5598 (a) Results of these evaluations shall be reported to the
5599 Agency for Enterprise Information Technology, the President of
5600 the Senate, and the Speaker of the House of Representatives.
5601 Reports shall enable the tracking of energy performance over
5602 time and comparisons between facilities.

5603 (b) By December 31, 2010, and annually thereafter, the
5604 Agency for Enterprise Information Technology shall submit to the
5605 Legislature recommendations for reducing energy consumption and
5606 improving the energy efficiency of state data centers.

5607 (3) When the total cost of ownership of an energy-
5608 efficient product is less than or equal to the cost of the
5609 existing data center facility or infrastructure, technical
5610 specifications for energy-efficient products should be

5611 incorporated in the plans and processes for replacing,
 5612 upgrading, or expanding data center facilities or
 5613 infrastructure, including, but not limited to, network, storage,
 5614 or computer equipment and software.

5615 Section 103. Section 1004.648, Florida Statutes, is
 5616 created to read:

5617 1004.648 Florida Energy Systems Consortium.--

5618 (1) (a) There is created the Florida Energy Systems
 5619 Consortium to promote collaboration between experts in the State
 5620 University System for the purpose of developing and implementing
 5621 a comprehensive, long-term, environmentally compatible,
 5622 sustainable, and efficient energy strategic plan for the state.
 5623 The consortium shall focus on an overall broad systems approach
 5624 from energy resource to consumer and for producing innovative
 5625 energy systems that will lead to alternative energy strategies,
 5626 improved energy efficiencies, and expanded economic development
 5627 for the state.

5628 (b) Through collaborative research and development across
 5629 the State University System and industry, the goal of the
 5630 consortium is to become a world leader in energy research,
 5631 education, technology, and energy systems analysis. In so doing,
 5632 the consortium shall:

5633 1. Coordinate and initiate increased collaborative
 5634 interdisciplinary energy research among universities and the
 5635 energy industry.

5636 2. Create a Florida energy technology industry.

5637 3. Provide a state resource for objective energy systems
 5638 analysis.

5639 4. Develop education and outreach programs to prepare a
5640 qualified energy workforce and an informed public.

5641 5. Expedite commercialization of innovative energy
5642 technologies by taking advantage of State University System
5643 energy expertise, high-technology incubators, industrial parks,
5644 and industry-driven research centers to attract companies to
5645 establish manufacturing in the state and transition technologies
5646 into the state economy.

5647 (2) The consortium shall consist of the University of
5648 Florida, Florida State University, the University of South
5649 Florida, the University of Central Florida, and Florida Atlantic
5650 University. The consortium shall be administered at the
5651 University of Florida by a director who shall report to an
5652 oversight board, which shall consist of the Vice President for
5653 Research at each of the five universities. The board shall have
5654 ultimate responsibility for both the technical performance and
5655 financial management of the consortium. In performing its
5656 activities, the consortium shall collaborate with the Florida
5657 Energy and Climate Commission as well as with industry and other
5658 affected parties.

5659 (3) (a) To promote collaboration between researchers within
5660 the State University System, with industry, and with other
5661 external partners, the consortium shall receive input from an
5662 external, industry-dominated advisory board.

5663 (b) A university council, which shall consist of one
5664 member from each university designated by the corresponding Vice
5665 President for Research, shall provide guidance to the director
5666 on vision and direction.

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5667 (c) A steering committee, consisting of the advisory
5668 board, the chair of the Florida Energy and Climate Commission,
5669 and the university council, shall be responsible for
5670 establishing and assuring the success of the consortium's
5671 strategic plan.

5672 (4) Through research and instructional programs, the
5673 faculty associated with the consortium shall coordinate a
5674 statewide workforce development initiative focusing on college-
5675 level degrees, technician training, and public and commercial
5676 sectors awareness. The consortium shall develop specific
5677 programs targeted at preparing graduates with a background in
5678 energy, continuing education courses for technical and
5679 nontechnical professionals, and modules, laboratories, and
5680 courses to be shared among the universities. The consortium
5681 shall work with the Florida Community College System using the
5682 Florida Advanced Technological Education Center for the
5683 coordination and design of industry-specific training programs
5684 for technicians.

5685 (5) The consortium shall solicit and leverage state,
5686 federal, and private funds for the purpose of conducting
5687 education, research, and development in the area of sustainable
5688 energy. The oversight board shall ensure that the consortium
5689 maintains accurate records of any funds received by the
5690 consortium.

5691 (6) By November 1 of each year, the consortium shall
5692 submit a report to the Governor, the President of the Senate,
5693 the Speaker of the House of Representatives, and the Florida
5694 Energy and Climate Commission regarding its activities,

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5695 including, but not limited to, education, research, development,
5696 and deployment of alternative energy technologies.

5697 Section 104. Woody biomass economic study.--The Department
5698 of Agriculture and Consumer Services, in conjunction with the
5699 Department of Environmental Protection, shall conduct an
5700 economic impact analysis on the effects of granting financial
5701 incentives to energy producers who use woody biomass as fuel,
5702 including an analysis of effects on wood supply and prices and
5703 impacts on current markets and forest sustainability. The
5704 departments shall prepare and submit a report on the results of
5705 the analysis to the Governor, the President of the Senate, and
5706 the Speaker of the House of Representatives no later than March
5707 1, 2010.

5708 Section 105. Sections 377.701, 377.901, 553.951, 553.953,
5709 553.954, 553.955, 553.957, 553.959, 553.961, 553.963, 553.968,
5710 553.969, 553.971, 553.973, and 553.975, Florida Statutes, are
5711 repealed.

5712 Section 106. Except as otherwise expressly provided in
5713 this act, this act shall take effect July 1, 2008.