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LEGISLATIVE ACTION

Senate

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House

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Senator Gaetz moved the following:

Senate Amendment (with title amendment)

Delete lines 411 - 540

and insert:

Section 4. Subsection (14) of section 403.503, Florida Statutes, is amended to read:

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

(14) "Electrical power plant" means, for the purpose of certification, any steam ~~or solar~~ electrical generating facility



13 using any process or fuel, including nuclear materials, except
14 that this term does not include any steam ~~or solar~~ electrical
15 generating facility of less than 75 megawatts in capacity unless
16 the applicant for such a facility elects to apply for
17 certification under this act. This term also includes the site;
18 all associated facilities that will be owned by the applicant
19 that are physically connected to the site; all associated
20 facilities that are indirectly connected to the site by other
21 proposed associated facilities that will be owned by the
22 applicant; and associated transmission lines that will be owned
23 by the applicant which connect the electrical power plant to an
24 existing transmission network or rights-of-way to which the
25 applicant intends to connect. At the applicant's option, this
26 term may include any offsite associated facilities that will not
27 be owned by the applicant; offsite associated facilities that
28 are owned by the applicant but that are not directly connected
29 to the site; any proposed terminal or intermediate substations
30 or substation expansions connected to the associated
31 transmission line; or new transmission lines, upgrades, or
32 improvements of an existing transmission line on any portion of
33 the applicant's electrical transmission system necessary to
34 support the generation injected into the system from the
35 proposed electrical power plant.

36 Section 5. Subsections (1) and (3) of section 525.09,
37 Florida Statutes, are amended to read:

38 525.09 Inspection fee.—

39 (1) For the purpose of defraying the expenses incident to
40 inspecting, testing, and analyzing petroleum fuels in this
41 state, there shall be paid to the department a charge of one-



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42 eighth cent per gallon on all gasoline, alternative fuel
43 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
44 kerosene that is not ~~(except when used as aviation turbine~~
45 ~~fuel)~~, and #1 fuel oil for sale or use in this state. This
46 inspection fee shall be imposed in the same manner as the motor
47 fuel tax pursuant to s. 206.41. Payment shall be made on or
48 before the 25th day of each month.

49 (3) All remittances to the department for the inspection
50 tax herein provided shall be accompanied by a detailed report
51 under oath showing the number of gallons of gasoline,
52 alternative fuel containing alcohol as defined in s.
53 525.01(1)(c)1. or 2., kerosene, or fuel oil sold and delivered
54 in each county.

55 Section 6. (1) The Florida Energy and Climate Commission
56 shall prepare a report that:

57 (a) Identifies methods of increasing energy-efficiency
58 practices among low-income households as defined in ss. 420.9071
59 and 421.03, Florida Statutes. The commission shall, at a
60 minimum, identify energy-efficiency programs that are currently
61 offered to low-income households by community action agencies,
62 community-based organizations, and utility companies in this
63 state and similar programs that are offered to low-income
64 households in other states.

65 (b) Determines the statewide impact of improving the level
66 of the energy efficiency of rental housing stock, including, but
67 not limited to, the environmental benefits of such improvements
68 and the potential fiscal impact with respect to property
69 tenants, owners, and landlords and to the economy. The
70 commission shall consider the relative equity and economic



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71 efficiency of the cost-share for such energy-efficiency
72 improvements.

73 (c) Provides recommendations for implementing energy-
74 efficiency practices among residents of low-income households.

75 (2) The commission shall submit the report to the President
76 of the Senate and the Speaker of the House of Representatives by
77 December 1, 2009.

78 Section 7. Paragraph (ccc) of subsection (7) of section
79 212.08, Florida Statutes, is amended to read:

80 212.08 Sales, rental, use, consumption, distribution, and
81 storage tax; specified exemptions.—The sale at retail, the
82 rental, the use, the consumption, the distribution, and the
83 storage to be used or consumed in this state of the following
84 are hereby specifically exempt from the tax imposed by this
85 chapter.

86 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
87 entity by this chapter do not inure to any transaction that is
88 otherwise taxable under this chapter when payment is made by a
89 representative or employee of the entity by any means,
90 including, but not limited to, cash, check, or credit card, even
91 when that representative or employee is subsequently reimbursed
92 by the entity. In addition, exemptions provided to any entity by
93 this subsection do not inure to any transaction that is
94 otherwise taxable under this chapter unless the entity has
95 obtained a sales tax exemption certificate from the department
96 or the entity obtains or provides other documentation as
97 required by the department. Eligible purchases or leases made
98 with such a certificate must be in strict compliance with this
99 subsection and departmental rules, and any person who makes an



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100 exempt purchase with a certificate that is not in strict
101 compliance with this subsection and the rules is liable for and
102 shall pay the tax. The department may adopt rules to administer
103 this subsection.

104 (ccc) *Equipment, machinery, and other materials for*
105 *renewable energy technologies.*—

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

107 a. "Biodiesel" means the mono-alkyl esters of long-chain
108 fatty acids derived from plant or animal matter for use as a
109 source of energy and meeting the specifications for biodiesel
110 and biodiesel blends with petroleum products as adopted by the
111 Department of Agriculture and Consumer Services. Biodiesel may
112 refer to biodiesel blends designated BXX, where XX represents
113 the volume percentage of biodiesel fuel in the blend.

114 b. "Ethanol" means an anhydrous denatured alcohol produced
115 by the conversion of carbohydrates meeting the specifications
116 for fuel ethanol and fuel ethanol blends with petroleum products
117 as adopted by the Department of Agriculture and Consumer
118 Services. Ethanol may refer to fuel ethanol blends designated
119 EXX, where XX represents the volume percentage of fuel ethanol
120 in the blend.

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

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

126 a. Hydrogen-powered vehicles, materials incorporated into
127 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
128 a limit of \$2 million in tax each state fiscal year for all



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129 taxpayers.

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

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

138 3. The Florida Energy Office ~~and Climate Commission~~ shall
139 provide to the department a list of items eligible for the
140 exemption provided in this paragraph.

141 4.a. The exemption provided in this paragraph shall be
142 available to a purchaser only through a refund of previously
143 paid taxes. An eligible item is subject to refund one time. A
144 person who has received a refund on an eligible item shall
145 notify the next purchaser of the item that such item is no
146 longer eligible for a refund of paid taxes. This notification
147 shall be provided to each subsequent purchaser on the sales
148 invoice or other proof of purchase.

149 b. To be eligible to receive the exemption provided in this
150 paragraph, a purchaser shall file an application with the
151 Florida Energy Office ~~and Climate Commission~~. The application
152 shall be developed by the Florida Energy Office ~~and Climate~~
153 ~~Commission~~, in consultation with the department, and shall
154 require:

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

156 (II) A specific description of the purchase for which a
157 refund is sought, including, when applicable, a serial number or



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158 other permanent identification number.

159 (III) The sales invoice or other proof of purchase showing
160 the amount of sales tax paid, the date of purchase, and the name
161 and address of the sales tax dealer from whom the property was
162 purchased.

163 (IV) A sworn statement that the information provided is
164 accurate and that the requirements of this paragraph have been
165 met.

166 c. Within 30 days after receipt of an application, the
167 Florida Energy Office ~~and Climate Commission~~ shall review the
168 application and shall notify the applicant of any deficiencies.
169 Upon receipt of a completed application, the Florida Energy
170 Office ~~and Climate Commission~~ shall evaluate the application for
171 exemption and issue a written certification that the applicant
172 is eligible for a refund or issue a written denial of such
173 certification within 60 days after receipt of the application.
174 The Florida Energy Office ~~and Climate Commission~~ shall provide
175 the department with a copy of each certification issued upon
176 approval of an application.

177 d. Each certified applicant shall be responsible for
178 forwarding a certified copy of the application and copies of all
179 required documentation to the department within 6 months after
180 certification by the Florida Energy Office ~~and Climate~~
181 ~~Commission~~.

182 e. A refund approved pursuant to this paragraph shall be
183 made within 30 days after formal approval by the department.

184 f. The Florida Energy Office ~~and Climate Commission~~ may
185 adopt the form for the application for a certificate,
186 requirements for the content and format of information submitted



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187 to the Florida Energy Office and ~~Climate Commission~~ in support
188 of the application, other procedural requirements, and criteria
189 by which the application will be determined by rule. The
190 department may adopt all other rules pursuant to ss. 120.536(1)
191 and 120.54 to administer this paragraph, including rules
192 establishing additional forms and procedures for claiming this
193 exemption.

194 g. The Florida Energy Office and ~~Climate Commission~~ shall
195 be responsible for ensuring that the total amounts of the
196 exemptions authorized do not exceed the limits as specified in
197 subparagraph 2.

198 5. The Florida Energy Office and ~~Climate Commission~~ shall
199 determine and publish on a regular basis the amount of sales tax
200 funds remaining in each fiscal year.

201 6. This paragraph expires July 1, 2010.

202 Section 8. Subsections (3) and (8) of section 220.192,
203 Florida Statutes, are amended to read:

204 220.192 Renewable energy technologies investment tax
205 credit.—

206 (3) CORPORATE APPLICATION PROCESS.—Any corporation wishing
207 to obtain tax credits available under this section must submit
208 to the Florida Energy Office and ~~Climate Commission~~ an
209 application for tax credit that includes a complete description
210 of all eligible costs for which the corporation is seeking a
211 credit and a description of the total amount of credits sought.
212 The Florida Energy Office and ~~Climate Commission~~ shall make a
213 determination on the eligibility of the applicant for the
214 credits sought and certify the determination to the applicant
215 and the Department of Revenue. The corporation must attach the



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216 Florida Energy Office's and ~~Climate Commission's~~ certification
217 to the tax return on which the credit is claimed. The Florida
218 Energy Office and ~~Climate Commission~~ shall be responsible for
219 ensuring that the corporate income tax credits granted in each
220 fiscal year do not exceed the limits provided for in this
221 section. The Florida Energy Office and ~~Climate Commission~~ is
222 authorized to adopt the necessary rules, guidelines, and
223 application materials for the application process.

224 (8) PUBLICATION.—The Florida Energy Office and ~~Climate~~
225 ~~Commission~~ shall determine and publish on a regular basis the
226 amount of available tax credits remaining in each fiscal year.

227 Section 9. Subsections (5) and (7) of section 288.1089,
228 Florida Statutes, are amended to read:

229 288.1089 Innovation Incentive Program.—

230 (5) Enterprise Florida, Inc., shall evaluate proposals for
231 innovation incentive awards and transmit recommendations for
232 awards to the office. Enterprise Florida, Inc., shall solicit
233 comments and recommendations from the Florida Energy Office and
234 ~~Climate Commission~~ for alternative and renewable energy project
235 proposals. Such evaluation and recommendation must include, but
236 need not be limited to:

237 (a) A description of the project, its required facilities,
238 and the associated product, service, or research and development
239 associated with the project.

240 (b) The percentage of match provided for the project.

241 (c) The number of full-time equivalent jobs that will be
242 created by the project, the total estimated average annual wages
243 of such jobs, and the types of business activities and jobs
244 likely to be stimulated by the project.



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245 (d) The cumulative investment to be dedicated to the
246 project within 5 years and the total investment expected in the
247 project if more than 5 years.

248 (e) The projected economic and fiscal impacts on the local
249 and state economies relative to investment.

250 (f) A statement of any special impacts the project is
251 expected to stimulate in a particular business sector in the
252 state or regional economy or in the state's universities and
253 community colleges.

254 (g) A statement of any anticipated or proposed
255 relationships with state universities.

256 (h) A statement of the role the incentive is expected to
257 play in the decision of the applicant to locate or expand in
258 this state.

259 (i) A recommendation and explanation of the amount of the
260 award needed to cause the applicant to expand or locate in this
261 state.

262 (j) A discussion of the efforts and commitments made by the
263 local community in which the project is to be located to induce
264 the applicant's location or expansion, taking into consideration
265 local resources and abilities.

266 (k) A recommendation for specific performance criteria the
267 applicant would be expected to achieve in order to receive
268 payments from the fund and penalties or sanctions for failure to
269 meet or maintain performance conditions.

270 (l) For a research and development facility project:

271 1. A description of the extent to which the project has the
272 potential to serve as catalyst for an emerging or evolving
273 cluster.



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274 2. A description of the extent to which the project has or
275 could have a long-term collaborative research and development
276 relationship with one or more universities or community colleges
277 in this state.

278 3. A description of the existing or projected impact of the
279 project on established clusters or targeted industry sectors.

280 4. A description of the project's contribution to the
281 diversity and resiliency of the innovation economy of this
282 state.

283 5. A description of the project's impact on special needs
284 communities, including, but not limited to, rural areas,
285 distressed urban areas, and enterprise zones.

286 (7) Upon receipt of the evaluation and recommendation from
287 Enterprise Florida, Inc., and from the Florida Energy Office ~~and~~
288 ~~Climate Commission~~ for alternative and renewable energy project
289 proposals, the director shall recommend to the Governor the
290 approval or disapproval of an award. In recommending approval of
291 an award, the director shall include proposed performance
292 conditions that the applicant must meet in order to obtain
293 incentive funds and any other conditions that must be met before
294 the receipt of any incentive funds. The Governor shall consult
295 with the President of the Senate and the Speaker of the House of
296 Representatives before giving approval for an award. Upon
297 approval of an award the Executive Office of the Governor shall
298 release the funds pursuant to the legislative consultation and
299 review requirements set forth in s. 216.177.

300 Section 10. Subsection (5) of section 366.82, Florida
301 Statutes, is repealed.

302 Section 11. All of the powers, duties, functions, records,



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303 personnel, and property; unexpended balances of appropriations,
304 allocations, and other funds; administrative authority;
305 administrative rules; pending issues; and existing contracts of
306 the Florida Energy and Climate Commission are transferred by a
307 type two transfer, pursuant to s. 20.06(2), Florida Statutes, to
308 the Florida Energy Office.

309 Section 12. Section 377.6015, Florida Statutes, is amended
310 to read:

311 377.6015 Florida Energy Office ~~and Climate Commission.~~-

312 (1) There is created within the Department of Environmental
313 Protection the Florida Energy Office. The office shall be a
314 separate budget entity and shall be exempt from the provisions
315 of s. 20.052. The office shall not be subject to control,
316 supervision, or direction by the Department of Environmental
317 Protection in any manner, including purchasing, transactions
318 involving real or personal property, personnel, or budgetary
319 matters.

320 (2) There is created the Florida Energy Commission,
321 composed of the Governor, the Attorney General, the Chief
322 Financial Officer, and the Commissioner of Agriculture. The
323 commission shall serve as agency head of the office, and shall
324 serve as the agency head for purposes of rulemaking under ss.
325 120.536-120.565 by the commission and all subunits of the
326 commission. Commission action shall be by majority vote
327 consisting of at least three affirmative votes.

328 (3) The office shall be headed by a director, who is agency
329 head for purposes of final agency action under chapter 120 for
330 all areas within the authority delegated to the director's
331 office. The commission shall appoint or remove the director by a



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332 majority vote consisting of at least three affirmative votes.
333 The director shall be subject to confirmation by the Senate.

334 (4) The office shall have a sufficient number of
335 professional and administrative personnel to carry out their
336 responsibilities.

337 ~~(1) The Florida Energy and Climate Commission is created~~
338 ~~within the Executive Office of the Governor. The commission~~
339 ~~shall be comprised of nine members appointed by the Governor,~~
340 ~~the Commissioner of Agriculture, and the Chief Financial~~
341 ~~Officer.~~

342 ~~(a) The Governor shall appoint one member from three~~
343 ~~persons nominated by the Florida Public Service Commission~~
344 ~~Nominating Council, created in s. 350.031, to each of seven~~
345 ~~seats on the commission. The Commissioner of Agriculture shall~~
346 ~~appoint one member from three persons nominated by the council~~
347 ~~to one seat on the commission. The Chief Financial Officer shall~~
348 ~~appoint one member from three persons nominated by the council~~
349 ~~to one seat on the commission.~~

350 ~~1. The council shall submit the recommendations to the~~
351 ~~Governor, the Commissioner of Agriculture, and the Chief~~
352 ~~Financial Officer by September 1 of those years in which the~~
353 ~~terms are to begin the following October or within 60 days after~~
354 ~~a vacancy occurs for any reason other than the expiration of the~~
355 ~~term. The Governor, the Commissioner of Agriculture, and the~~
356 ~~Chief Financial Officer may proffer names of persons to be~~
357 ~~considered for nomination by the council.~~

358 ~~2. The Governor, the Commissioner of Agriculture, and the~~
359 ~~Chief Financial Officer shall fill a vacancy occurring on the~~
360 ~~commission by appointment of one of the applicants nominated by~~



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361 ~~the council only after a background investigation of such~~
362 ~~applicant has been conducted by the Department of Law~~
363 ~~Enforcement.~~

364 ~~3. Members shall be appointed to 3-year terms; however, in~~
365 ~~order to establish staggered terms, for the initial~~
366 ~~appointments, the Governor shall appoint four members to 3-year~~
367 ~~terms, two members to 2-year terms, and one member to a 1-year~~
368 ~~term, and the Commissioner of Agriculture and the Chief~~
369 ~~Financial Officer shall each appoint one member to a 3-year term~~
370 ~~and shall appoint a successor when that appointee's term expires~~
371 ~~in the same manner as the original appointment.~~

372 ~~4. The Governor shall select from the membership of the~~
373 ~~commission one person to serve as chair.~~

374 ~~5. A vacancy on the commission shall be filled for the~~
375 ~~unexpired portion of the term in the same manner as the original~~
376 ~~appointment.~~

377 ~~6. If the Governor, the Commissioner of Agriculture, or the~~
378 ~~Chief Financial Officer has not made an appointment within 30~~
379 ~~consecutive calendar days after the receipt of the~~
380 ~~recommendations, the council shall initiate, in accordance with~~
381 ~~this section, the nominating process within 30 days.~~

382 ~~7. Each appointment to the commission shall be subject to~~
383 ~~confirmation by the Senate during the next regular session after~~
384 ~~the vacancy occurs. If the Senate refuses to confirm or fails to~~
385 ~~consider the appointment of the Governor, the Commissioner of~~
386 ~~Agriculture, or the Chief Financial Officer, the council shall~~
387 ~~initiate, in accordance with this section, the nominating~~
388 ~~process within 30 days.~~

389 ~~8. The Governor or the Governor's successor may recall an~~



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390 ~~appointee.~~

391 ~~(b) Members must meet the following qualifications and~~
392 ~~restrictions:~~

393 ~~1. A member must be an expert in one or more of the~~
394 ~~following fields: energy, natural resource conservation,~~
395 ~~economics, engineering, finance, law, transportation and land~~
396 ~~use, consumer protection, state energy policy, or another field~~
397 ~~substantially related to the duties and functions of the~~
398 ~~commission. The commission shall fairly represent the fields~~
399 ~~specified in this subparagraph.~~

400 ~~2. Each member shall, at the time of appointment and at~~
401 ~~each commission meeting during his or her term of office,~~
402 ~~disclose:~~

403 ~~a. Whether he or she has any financial interest, other than~~
404 ~~ownership of shares in a mutual fund, in any business entity~~
405 ~~that, directly or indirectly, owns or controls, or is an~~
406 ~~affiliate or subsidiary of, any business entity that may be~~
407 ~~affected by the policy recommendations developed by the~~
408 ~~commission.~~

409 ~~b. Whether he or she is employed by or is engaged in any~~
410 ~~business activity with any business entity that, directly or~~
411 ~~indirectly, owns or controls, or is an affiliate or subsidiary~~
412 ~~of, any business entity that may be affected by the policy~~
413 ~~recommendations developed by the commission.~~

414 ~~(c) The chair may designate the following ex officio,~~
415 ~~nonvoting members to provide information and advice to the~~
416 ~~commission at the request of the chair:~~

417 ~~1. The chair of the Florida Public Service Commission, or~~
418 ~~his or her designee.~~



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- 419 ~~2. The Public Counsel, or his or her designee.~~
- 420 ~~3. A representative of the Department of Agriculture and~~
421 ~~Consumer Services.~~
- 422 ~~4. A representative of the Department of Financial~~
423 ~~Services.~~
- 424 ~~5. A representative of the Department of Environmental~~
425 ~~Protection.~~
- 426 ~~6. A representative of the Department of Community Affairs.~~
- 427 ~~7. A representative of the Board of Governors of the State~~
428 ~~University System.~~
- 429 ~~8. A representative of the Department of Transportation.~~
- 430 ~~(2) Members shall serve without compensation but are~~
431 ~~entitled to reimbursement for per diem and travel expenses as~~
432 ~~provided in s. 112.061.~~
- 433 ~~(3) Meetings of the commission may be held in various~~
434 ~~locations around the state and at the call of the chair;~~
435 ~~however, the commission must meet at least six times each year.~~
- 436 ~~(5)-(4) The office ~~commission~~ may:~~
- 437 (a) Employ staff and counsel as needed in the performance
438 of its duties.
- 439 (b) Prosecute and defend legal actions in its own name.
- 440 ~~(c) Form advisory groups consisting of members of the~~
441 ~~public to provide information on specific issues.~~
- 442 ~~(6)-(5) The commission shall:~~
- 443 (a) Administer the Florida Renewable Energy and Energy-
444 Efficient Technologies Grants Program pursuant to s. 377.804 to
445 assure a robust grant portfolio.
- 446 (b) Develop policy for requiring grantees to provide
447 royalty-sharing or licensing agreements with state government



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448 for commercialized products developed under a state grant.

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

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

453 ~~(c) Administer petroleum planning and emergency contingency~~
454 ~~planning pursuant to ss. 377.701, 377.703, and 377.704.~~

455 (e) ~~(f)~~ Represent Florida in the Southern States Energy
456 Compact pursuant to ss. 377.71-377.712.

457 ~~(g) Complete the annual assessment of the efficacy of~~
458 ~~Florida's Energy and Climate Change Action Plan, upon completion~~
459 ~~by the Governor's Action Team on Energy and Climate Change~~
460 ~~pursuant to the Governor's Executive Order 2007-128, and provide~~
461 ~~specific recommendations to the Governor and the Legislature~~
462 ~~each year to improve results.~~

463 (f) ~~(h)~~ Administer the provisions of the Florida Energy and
464 Climate Protection Act pursuant to ss. 377.801-377.806.

465 (g) ~~(i)~~ Advocate for energy and climate change issues and
466 provide educational outreach and technical assistance in
467 cooperation with the state's academic institutions.

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

470 (h) ~~(k)~~ Adopt rules pursuant to chapter 120 in order to
471 implement all powers and duties described in this section.

472 Section 13. Section 377.602, Florida Statutes, is amended
473 to read:

474 377.602 Definitions.—As used in ss. 377.601-377.712 ~~ss.~~
475 ~~377.601-377.608~~:

476 (1) "Commission" means the Florida Energy ~~and Climate~~



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477 Commission.

478 (2) "Energy resources" includes, but shall not be limited
479 to:

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

484 (b) Propane, butane, motor gasoline, kerosene, home heating
485 oil, diesel fuel, other middle distillates, aviation gasoline,
486 kerosene-type jet fuel, naphtha-type jet fuel, residual fuels,
487 crude oil, and other petroleum products and hydrocarbons as may
488 be determined by the commission to be of importance.

489 (c) All natural gas, including casinghead gas, all other
490 hydrocarbons not defined as petroleum products in paragraph (b),
491 and liquefied petroleum gas as defined in s. 527.01.

492 (d) All types of coal and products derived from its
493 conversion and used as fuel.

494 (e) All types of nuclear energy, special nuclear material,
495 and source material, as defined in former s. 290.07.

496 (f) All electrical energy.

497 (3) "Office" means the Florida Energy Office.

498 (4)~~(3)~~ "Person" means producer, refiner, wholesaler,
499 marketer, consignee, jobber, distributor, storage operator,
500 importer, exporter, firm, corporation, broker, cooperative,
501 public utility as defined in s. 366.02, rural electrification
502 cooperative, municipality engaged in the business of providing
503 electricity or other energy resources to the public, pipeline
504 company, person transporting any energy resources as defined in
505 subsection (2), and person holding energy reserves for further



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506 production; however, "person" does not include persons
507 exclusively engaged in the retail sale of petroleum products.

508 Section 14. Section 377.603, Florida Statutes, is amended
509 to read:

510 377.603 Energy data collection; powers and duties of the
511 office commission.—

512 (1) The office commission may collect data on the
513 extraction, production, importation, exportation, refinement,
514 transportation, transmission, conversion, storage, sale, or
515 reserves of energy resources in this state in an efficient and
516 expeditious manner.

517 (2) The office commission may prepare periodic reports of
518 energy data it collects.

519 ~~(3) The commission may adopt and promulgate such rules and~~
520 ~~regulations as are necessary to carry out the provisions of ss.~~
521 ~~377.601-377.608. Such rules shall be pursuant to chapter 120.~~

522 ~~(3)(4)~~ The office commission shall maintain internal
523 validation procedures to assure the accuracy of information
524 received.

525 Section 15. Section 377.604, Florida Statutes, is amended
526 to read:

527 377.604 Required reports.—Every person who produces,
528 imports, exports, refines, transports, transmits, converts,
529 stores, sells, or holds known reserves of any form of energy
530 resources used as fuel shall report to the office commission, at
531 the request of and in a manner prescribed by the office
532 commission, on forms provided by the office commission. Such
533 forms shall be designed in such a manner as to indicate:

534 (1) The identity of the person or persons making the



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535 report.

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

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

541 (4) The identity of each refinery from which petroleum
542 products have normally been obtained and the type and quantity
543 of products secured from that refinery for sale or resale in
544 this state.

545 (5) Any other information which the office ~~commission~~ deems
546 proper pursuant to the intent of ss. 377.601-377.608.

547 Section 16. Section 377.605, Florida Statutes, is amended
548 to read:

549 377.605 Use of existing information.—The office ~~commission~~
550 may utilize to the fullest extent possible any existing energy
551 information already prepared for state or federal agencies.
552 Every state, county, and municipal agency shall cooperate with
553 the office ~~commission~~ and shall submit any information on energy
554 to the office ~~commission~~ upon request.

555 Section 17. Section 377.606, Florida Statutes, is amended
556 to read:

557 377.606 Records of the office ~~commission~~; limits of
558 confidentiality.—The information or records of individual
559 persons, as defined in this section, obtained by the office
560 ~~commission~~ as a result of a report, investigation, or
561 verification required by the office ~~commission~~ shall be open to
562 the public, except such information the disclosure of which
563 would be likely to cause substantial harm to the competitive



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564 position of the person providing such information and which is
565 requested to be held confidential by the person providing such
566 information. Such proprietary information is confidential and
567 exempt from the provisions of s. 119.07(1). Information reported
568 by entities other than the office commission in documents or
569 reports open to public inspection shall under no circumstances
570 be classified as confidential by the office commission.
571 Divulgence of proprietary information as is requested to be held
572 confidential, except upon order of a court of competent
573 jurisdiction or except to an officer of the state entitled to
574 receive the same in his or her official capacity, shall be a
575 misdemeanor of the second degree, punishable as provided in ss.
576 775.082 and 775.083. Nothing in this section shall be construed
577 to prohibit the publication or divulgence by other means of data
578 so classified as to prevent identification of particular
579 accounts or reports made to the office commission in compliance
580 with s. 377.603 or to prohibit the disclosure of such
581 information to properly qualified legislative committees. The
582 office commission shall establish a system which permits
583 reasonable access to information developed.

584 Section 18. Section 377.608, Florida Statutes, is amended
585 to read:

586 377.608 Prosecution of cases by state attorney.—The state
587 attorney shall prosecute all cases certified to him or her for
588 prosecution by the office commission immediately upon receipt of
589 the evidence transmitted by the office commission, or as soon
590 thereafter as practicable.

591 Section 19. Section 377.701, Florida Statutes, is amended
592 to read:



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593 377.701 Petroleum allocation.—

594 (1) The Department of Environmental Protection ~~Florida~~
595 ~~Energy and Climate Commission~~ shall assume the state's role in
596 petroleum allocation and conservation, including the development
597 of a fair and equitable petroleum plan. The department
598 ~~commission~~ shall constitute the responsible state agency for
599 performing the functions of any federal program delegated to the
600 state, which relates to petroleum supply, demand, and
601 allocation. The department shall also administer petroleum
602 planning and emergency contingency planning pursuant to ss.
603 377.701, 377.703, and 377.704.

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

607 (a) In projecting available supplies of petroleum,
608 coordinate with the Department of Revenue to secure information
609 necessary to assure the sufficiency and accuracy of data
610 submitted by persons affected by any federal fuel allocation
611 program.

612 (b) Require such periodic reports from public and private
613 sources as may be necessary to the fulfillment of its
614 responsibilities under this act. Such reports may include:
615 petroleum use; all sales, including end-user sales, except
616 retail gasoline and retail fuel oil sales; inventories; expected
617 supplies and allocations; and petroleum conservation measures.

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

621 1. Comprehend the consumption of petroleum resources.



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622 2. Predict future petroleum demands in relation to
623 available resources.

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

625 (3) For the purpose of determining accuracy of data, all
626 state agencies shall timely provide the commission with
627 petroleum-use information in a format suitable to the needs of
628 the allocation program.

629 (4) A state employee may not divulge or make known in any
630 manner any proprietary information acquired under this act if
631 the disclosure of such information would be likely to cause
632 substantial harm to the competitive position of the person
633 providing such information and if the person requests that such
634 information be held confidential, except in accordance with a
635 court order or in the publication of statistical information
636 compiled by methods which do not disclose the identity of
637 individual suppliers or companies. Such proprietary information
638 is confidential and exempt from the provisions of s. 119.07(1).
639 Nothing in this subsection shall be construed to prevent
640 inspection of reports by the Attorney General, members of the
641 Legislature, and interested state agencies; however, such
642 agencies and their employees and members are bound by the
643 requirements set forth in this subsection.

644 (5) Any person who willfully fails to submit information
645 required by this act or submits false information or who
646 violates any provision of this act commits a misdemeanor of the
647 first degree and shall be punished as provided in ss. 775.082
648 and 775.083.

649 Section 20. Section 377.703, Florida Statutes, is amended
650 to read:



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651 377.703 Additional functions of the Florida Energy ~~and~~
652 ~~Climate~~ Commission.—

653 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
654 demand questions have become a major area of concern to the
655 state which must be dealt with by effective and well-coordinated
656 state action, it is the intent of the Legislature to promote the
657 efficient, effective, and economical management of energy
658 problems, centralize energy coordination responsibilities,
659 pinpoint responsibility for conducting energy programs, and
660 ensure the accountability of state agencies for the
661 implementation of s. 377.601(2), the state energy policy. It is
662 the specific intent of the Legislature that nothing in this act
663 shall in any way change the powers, duties, and responsibilities
664 assigned by the Florida Electrical Power Plant Siting Act, part
665 II of chapter 403, or the powers, duties, and responsibilities
666 of the Florida Public Service Commission.

667 (2) FLORIDA ENERGY ~~AND CLIMATE~~ COMMISSION; DUTIES.—The
668 commission shall perform the following functions consistent with
669 the development of a state energy policy:

670 (a) The commission shall assume the responsibility for
671 development of an energy emergency contingency plan to respond
672 to serious shortages of primary and secondary energy sources.
673 Upon a finding by the Governor, implementation of any emergency
674 program shall be upon order of the Governor that a particular
675 kind or type of fuel is, or that the occurrence of an event
676 which is reasonably expected within 30 days will make the fuel,
677 in short supply. The commission shall then respond by
678 instituting the appropriate measures of the contingency plan to
679 meet the given emergency or energy shortage. The Governor may



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680 utilize the provisions of s. 252.36(5) to carry out any
681 emergency actions required by a serious shortage of energy
682 sources.

683 (b) The commission shall be responsible for performing or
684 coordinating the functions of any federal energy programs
685 delegated to the state, including energy supply, demand,
686 conservation, or allocation.

687 (c) The commission shall analyze present and proposed
688 federal energy programs and make recommendations regarding those
689 programs to ~~the Governor and~~ the Legislature.

690 (d) The commission shall coordinate efforts to seek federal
691 support or other support for state energy activities, including
692 energy conservation, research, or development, and shall be
693 responsible for the coordination of multiagency energy
694 conservation programs and plans.

695 (e) The commission shall analyze energy data collected and
696 prepare long-range forecasts of energy supply and demand in
697 coordination with the Florida Public Service Commission, which
698 shall have responsibility for electricity and natural gas
699 forecasts. To this end, the forecasts shall contain:

700 1. An analysis of the relationship of state economic growth
701 and development to energy supply and demand, including the
702 constraints to economic growth resulting from energy supply
703 constraints.

704 2. Plans for the development of renewable energy resources
705 and reduction in dependence on depletable energy resources,
706 particularly oil and natural gas, and an analysis of the extent
707 to which renewable energy sources are being utilized in the
708 state.



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709 3. Consideration of alternative scenarios of statewide
710 energy supply and demand for 5, 10, and 20 years to identify
711 strategies for long-range action, including identification of
712 potential social, economic, and environmental effects.

713 4. An assessment of the state's energy resources, including
714 examination of the availability of commercially developable and
715 imported fuels, and an analysis of anticipated effects on the
716 state's environment and social services resulting from energy
717 resource development activities or from energy supply
718 constraints, or both.

719 (f) The commission shall submit an annual report to the
720 ~~Governor and the~~ Legislature reflecting its activities and
721 making recommendations of policies for improvement of the
722 state's response to energy supply and demand and its effect on
723 the health, safety, and welfare of the people of Florida. The
724 report shall include a report from the Florida Public Service
725 Commission on electricity and natural gas and information on
726 energy conservation programs conducted and underway in the past
727 year and shall include recommendations for energy conservation
728 programs for the state, including, but not limited to, the
729 following factors:

730 1. Formulation of specific recommendations for improvement
731 in the efficiency of energy utilization in governmental,
732 residential, commercial, industrial, and transportation sectors.

733 2. Collection and dissemination of information relating to
734 energy conservation.

735 3. Development and conduct of educational and training
736 programs relating to energy conservation.

737 4. An analysis of the ways in which state agencies are



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738 seeking to implement s. 377.601(2), the state energy policy, and
739 recommendations for better fulfilling this policy.

740 (g) The commission has authority to adopt rules pursuant to
741 ss. 120.536(1) and 120.54 to implement the provisions of this
742 act.

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

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

748 2. Aiding and promoting the commercialization of solar
749 energy technology, in cooperation with the Florida Solar Energy
750 Center, Enterprise Florida, Inc., and any other federal, state,
751 or local governmental agency which may seek to promote research,
752 development, and demonstration of solar energy equipment and
753 technology.

754 3. Identifying barriers to greater use of solar energy
755 systems in this state, and developing specific recommendations
756 for overcoming identified barriers, with findings and
757 recommendations to be submitted annually in the report to the
758 Governor and Legislature required under paragraph (f).

759 4. In cooperation with the Department of Environmental
760 Protection, the Department of Transportation, the Department of
761 Community Affairs, Enterprise Florida, Inc., the Florida Solar
762 Energy Center, and the Florida Solar Energy Industries
763 Association, investigating opportunities, pursuant to the
764 National Energy Policy Act of 1992, the Housing and Community
765 Development Act of 1992, and any subsequent federal legislation,
766 for solar electric vehicles and other solar energy



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767 manufacturing, distribution, installation, and financing efforts
768 which will enhance this state's position as the leader in solar
769 energy research, development, and use.

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

772
773 In the exercise of its responsibilities under this
774 paragraph, the commission shall seek the assistance of the solar
775 energy industry in this state and other interested parties and
776 is authorized to enter into contracts, retain professional
777 consulting services, and expend funds appropriated by the
778 Legislature for such purposes.

779 (i) The commission shall promote energy conservation in all
780 energy use sectors throughout the state and shall constitute the
781 state agency primarily responsible for this function. To this
782 end, the commission shall coordinate the energy conservation
783 programs of all state agencies and review and comment on the
784 energy conservation programs of all state agencies.

785 (j) The commission shall serve as the state clearinghouse
786 for indexing and gathering all information related to energy
787 programs in state universities, in private universities, in
788 federal, state, and local government agencies, and in private
789 industry and shall prepare and distribute such information in
790 any manner necessary to inform and advise the citizens of the
791 state of such programs and activities. This shall include
792 developing and maintaining a current index and profile of all
793 research activities, which shall be identified by energy area
794 and may include a summary of the project, the amount and sources
795 of funding, anticipated completion dates, or, in case of



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796 completed research, conclusions, recommendations, and
797 applicability to state government and private sector functions.
798 The commission shall coordinate, promote, and respond to efforts
799 by all sectors of the economy to seek financial support for
800 energy activities. The commission shall provide information to
801 consumers regarding the anticipated energy-use and energy-saving
802 characteristics of products and services in coordination with
803 any federal, state, or local governmental agencies as may
804 provide such information to consumers.

805 (k) The commission shall coordinate energy-related programs
806 of state government, including, but not limited to, the programs
807 provided in this section. To this end, the commission shall:

808 1. Provide assistance to other state agencies, counties,
809 municipalities, and regional planning agencies to further and
810 promote their energy planning activities.

811 2. Require, in cooperation with the Department of
812 Management Services, all state agencies to operate state-owned
813 and state-leased buildings in accordance with energy
814 conservation standards as adopted by the Department of
815 Management Services. Every 3 months, the Department of
816 Management Services shall furnish the commission data on
817 agencies' energy consumption and emissions of greenhouse gases
818 in a format prescribed by the commission.

819 3. Promote the development and use of renewable energy
820 resources, energy efficiency technologies, and conservation
821 measures.

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



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825 manufactured products. Such promotion shall be conducted in
826 conjunction with, and after consultation with, the Department of
827 Environmental Protection and the Florida Public Service
828 Commission where electrical generation or natural gas is
829 involved, and any other relevant federal, state, or local
830 governmental agency having responsibility for resource recovery
831 programs.

832 (1) The commission shall develop, coordinate, and promote a
833 comprehensive research plan for state programs. Such plan shall
834 be consistent with state energy policy and shall be updated on a
835 biennial basis.

836 (m) In recognition of the devastation to the economy of
837 this state and the dangers to the health and welfare of
838 residents of this state caused by severe hurricanes, and the
839 potential for such impacts caused by other natural disasters,
840 the commission shall include in its energy emergency contingency
841 plan and provide to the Florida Building Commission for
842 inclusion in the Florida Energy Efficiency Code for Building
843 Construction specific provisions to facilitate the use of cost-
844 effective solar energy technologies as emergency remedial and
845 preventive measures for providing electric power, street
846 lighting, and water heating service in the event of electric
847 power outages.

848 (3) The commission shall be responsible for the
849 administration of the Coastal Energy Impact Program provided for
850 and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

851 (4) The commission may delegate these functions to the
852 office, with commission oversight.

853 Section 21. Section 377.803, Florida Statutes, is amended



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854 to read:

855 377.803 Definitions.—As used in ss. 377.801-377.806, the
856 term:

857 (1) "Act" means the Florida Energy and Climate Protection
858 Act.

859 (2) "Commission" means the Florida Energy ~~and Climate~~
860 Commission.

861 (3) "Office" means the Florida Energy Office.

862 (4)~~(3)~~ "Person" means an individual, partnership, joint
863 venture, private or public corporation, association, firm,
864 public service company, or any other public or private entity.

865 (5)~~(4)~~ "Renewable energy" means electrical, mechanical, or
866 thermal energy produced from a method that uses one or more of
867 the following fuels or energy sources: hydrogen, biomass, as
868 defined in s. 366.91, solar energy, geothermal energy, wind
869 energy, ocean energy, waste heat, or hydroelectric power.

870 (6)~~(5)~~ "Renewable energy technology" means any technology
871 that generates or utilizes a renewable energy resource.

872 (7)~~(6)~~ "Solar energy system" means equipment that provides
873 for the collection and use of incident solar energy for water
874 heating, space heating or cooling, or other applications that
875 would normally require a conventional source of energy such as
876 petroleum products, natural gas, or electricity that performs
877 primarily with solar energy. In other systems in which solar
878 energy is used in a supplemental way, only those components that
879 collect and transfer solar energy shall be included in this
880 definition.

881 (8)~~(7)~~ "Solar photovoltaic system" means a device that
882 converts incident sunlight into electrical current.



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883 (9)~~(8)~~ "Solar thermal system" means a device that traps
884 heat from incident sunlight in order to heat water.

885 Section 22. Subsection (8) is added to section 377.804,
886 Florida Statutes, to read:

887 377.804 Renewable Energy and Energy-Efficient Technologies
888 Grants Program.—

889 (8) The commission may delegate these functions to the
890 office, with commission oversight.

891 Section 23. Subsection (8) is added to section 377.806,
892 Florida Statutes, to read:

893 377.806 Solar Energy System Incentives Program.—

894 (8) The commission may delegate these functions to the
895 office, with commission oversight.

896 Section 24. Subsection (6) is added to section 377.808,
897 Florida Statutes, to read:

898 377.808 Florida Green Government Grants Act.—

899 (6) The commission may delegate these functions to the
900 office, with commission oversight.

901 Section 25. Subsections (5) and (8) of section 403.44,
902 Florida Statutes, are amended to read:

903 403.44 Florida Climate Protection Act.—

904 (5) The department may adopt rules for a cap-and-trade
905 regulatory program to reduce greenhouse gas emissions from major
906 emitters. When developing the rules, the department shall
907 consult with the ~~Florida Energy and Climate Commission and the~~
908 ~~Florida Public Service Commission and may consult with the~~
909 ~~Governor's Action Team for Energy and Climate Change.~~ The
910 department shall not adopt rules until after January 1, 2010.
911 The rules shall not become effective until ratified by the



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912 Legislature.

913 (8) Recognizing that the international, national, and
914 neighboring state policies and the science of climate change
915 will evolve, prior to submitting the proposed rules to the
916 Legislature for consideration, the department shall submit the
917 proposed rules to the Florida Energy ~~and Climate~~ Commission,
918 which shall review the proposed rules and submit a report to ~~the~~
919 ~~Governor~~, the President of the Senate, the Speaker of the House
920 of Representatives, and the department. The report shall
921 address:

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

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

927 (c) The administrative burden on entities covered under the
928 cap.

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

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

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

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

939 (h) The effectiveness of the combination of measures in
940 meeting identified targets.



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941 (i) The economic implications for near-term periods of
942 short-term and long-term targets specified in the overall
943 policy.

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

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

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

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

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

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

959 (p) The need for a regular reevaluation of the progress of
960 other emitting regions of the country and of the world, and
961 whether other regions are abating emissions in a commensurate
962 manner.

963 (q) The desirability of and possibilities of broadening the
964 scope of the state's cap-and-trade system at a later date to
965 include more emitting activities as well as sinks in Florida,
966 the conditions that would need to be met to do so, and how the
967 program would encourage these conditions to be met, including
968 developing monitoring and measuring techniques for land use
969 emissions and sinks, regulating sources upstream, and other



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970 considerations.

971 Section 26. Section 526.207, Florida Statutes, is amended
972 to read:

973 526.207 Studies and reports.—

974 (1) The Florida Energy ~~and Climate~~ Commission shall conduct
975 a study to evaluate and recommend the life-cycle greenhouse gas
976 emissions associated with all renewable fuels, including, but
977 not limited to, biodiesel, renewable diesel, biobutanol, and
978 ethanol derived from any source. In addition, the commission
979 shall evaluate and recommend a requirement that all renewable
980 fuels introduced into commerce in the state, as a result of the
981 renewable fuel standard, shall reduce the life-cycle greenhouse
982 gas emissions by an average percentage. The commission may also
983 evaluate and recommend any benefits associated with the
984 creation, banking, transfer, and sale of credits among fuel
985 refiners, blenders, and importers.

986 (2) The Florida Energy ~~and Climate~~ Commission shall submit
987 a report containing specific recommendations to the President of
988 the Senate and the Speaker of the House of Representatives no
989 later than December 31, 2010.

990 Section 27. Subsections (5), (11), (12), and (13) of
991 section 1004.648, Florida Statutes, are amended to read:

992 1004.648 Florida Energy Systems Consortium.—

993 (5) The director, whose office shall be located at the
994 University of Florida, shall report to the Florida Energy ~~and~~
995 ~~Climate~~ Commission created pursuant to s. 377.6015.

996 (11) The oversight board, in consultation with the Florida
997 Energy ~~and Climate~~ Commission, shall ensure that the consortium:

998 (a) Maintains accurate records of any funds received by the



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999 consortium.

1000 (b) Meets financial and technical performance expectations,
1001 which may include external technical reviews as required.

1002 (12) The steering committee shall consist of the university
1003 representatives included in the Centers of Excellence proposals
1004 for the Florida Energy Systems Consortium and the Center of
1005 Excellence in Ocean Energy Technology-Phase II which were
1006 reviewed during the 2007-2008 fiscal year by the Florida
1007 Technology, Research, and Scholarship Board created in s.
1008 1004.226(4); a university representative appointed by the
1009 President of Florida International University; and the Florida
1010 Energy ~~and Climate~~ Commission. The steering committee shall be
1011 responsible for establishing and ensuring the success of the
1012 consortium's mission under subsection (9).

1013 (13) By November 1 of each year, the consortium shall
1014 submit an annual report to ~~the Governor~~, the President of the
1015 Senate, the Speaker of the House of Representatives, and the
1016 Florida Energy ~~and Climate~~ Commission regarding its activities,
1017 including, but not limited to, education and research related
1018 to, and the development and deployment of, alternative energy
1019 technologies.

1020 Section 28. This act shall take effect upon becoming a law.

1021
1022 ===== T I T L E A M E N D M E N T =====

1023 And the title is amended as follows:

1024 Delete lines 31 - 43

1025 and insert:

1026 amending s. 403.503, F.S.; revising the definition of
1027 "electrical power plant"; amending s. 525.09, F.S.;



1028 imposing a fee on alternative fuel containing alcohol;
1029 requiring the Florida Energy and Climate Commission to
1030 prepare a report that identifies ways in which to
1031 increase the energy-efficiency practices of low-income
1032 households; requiring the report to include certain
1033 determinations and recommendations; requiring that the
1034 report be submitted to the Legislature by a specified
1035 date; amending s. 212.08, F.S.; requiring the Florida
1036 Energy Office to provide to the Department of Revenue
1037 a list of items eligible for a sales tax exemption;
1038 requiring a purchaser to file an application with the
1039 Florida Energy Office to be eligible for the tax
1040 exemption; amending s. 220.192, F.S.; providing that
1041 the Florida Energy Office rather than the Florida
1042 Energy Office and Climate Commission is responsible
1043 for administering the renewable energy technologies
1044 investment tax credit; amending s. 288.1089, F.S.;
1045 requiring Enterprise Florida, Inc., to solicit
1046 comments and recommendations from the Florida Energy
1047 Office for alternative and renewable energy project
1048 proposals; repealing s. 366.82(5), F.S.; providing
1049 that all of the powers, property; unexpended balances
1050 of appropriations, allocations, and administrative
1051 authority of the Florida Energy and Climate Commission
1052 are transferred by a type two transfer, to the Florida
1053 Energy Office; amending s. 377.6015, F.S.; creating
1054 the Florida Energy Office within the Department of
1055 Environmental Protection but is not be subject to
1056 control, supervision, or direction by the Department



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1057 of Environmental Protection; providing for the
1058 administrative structure of the Florida Energy Office;
1059 creating the Florida Energy Commission, composed of
1060 the Governor, the Attorney General, the Chief
1061 Financial Officer, and the Commissioner of
1062 Agriculture; providing that the commission serves as
1063 agency head of the Florida Energy Office; providing
1064 for the powers and duties of the Florida Energy
1065 Office; amending s. 377.602, F.S.; defining terms;
1066 amending s. 377.603, F.S.; detailing the powers and
1067 duties of the Florida Energy Office relating to energy
1068 data collection; amending s. 377.604, F.S.; requiring
1069 certain designated persons to report energy data to
1070 the Florida Energy Office; amending s. 377.605, F.S.;
1071 authorizing the Florida Energy Office to use the
1072 energy data it collects; amending s. 377.606, F.S.;
1073 providing for the records of the office; amending s.
1074 377.608, F.S.; directing the state attorney to
1075 prosecute all cases certified to him or her for
1076 prosecution by the Florida Energy Office against a
1077 person who willfully fails to submit data to the
1078 office; amending s. 377.701, F.S.; directing the
1079 Department of Environmental Protection to assume the
1080 state's role in petroleum allocation and conservation,
1081 including the development of a fair and equitable
1082 petroleum plan; setting forth the department's powers
1083 and responsibilities; amending s. 377.703, F.S.;
1084 detailing the duties and functions of the Florida
1085 Energy Commission; authorizing the commission may



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1086 delegate the functions to the Florida Energy Office,
1087 with oversight by the Florida Energy Commission;
1088 amending s. 377.803, F.S.; defining terms relating to
1089 renewable energy technologies; amending ss. 377.804,
1090 377.806, and 377.808, F.S.; authorizing the commission
1091 may delegate certain functions to the Florida Energy
1092 Office with oversight by the Florida Energy
1093 Commission; amending ss. 403.44, 526.207, and
1094 1004.648, F.S.; conforming provisions to changes made
1095 by the act; providing an effective date.