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1 A bill to be entitled
2 An act relating to energy; amending s. 366.92, F.S.;
3 revising definitions and providing additional
4 definitions; requiring that electric utilities meet or
5 exceed specified standards for the production or
6 purchase of clean energy; establishing a schedule for
7 compliance; providing a penalty if a utility fails to
8 meet the standards; authorizing the Public Service
9 Commission to excuse certain electric utilities from
10 compliance under specified conditions; requiring the
11 commission to adopt rules; requiring an annual report
12 to the Legislature; amending s. 366.93, F.S.;
13 authorizing the Public Service Commission to allow a
14 utility to recover the costs of converting an existing
15 fossil fuel plant to a biomass plant under certain
16 conditions; encouraging utilities to pursue joint
17 ownership of nuclear power plants; requiring that
18 certain costs be shared; creating s. 366.99, F.S.;
19 providing a short title; providing legislative
20 findings with respect to the need to reduce greenhouse
21 gas emissions through the direct end-use of natural
22 gas; defining terms; authorizing a utility to
23 establish a surcharge for the purpose of constructing
24 natural gas installations in areas that lack natural
25 gas service; providing limitations on the surcharge;
26 providing procedures for determining the surcharge and
27 making filings to the commission; requiring the
28 commission to conduct limited proceedings to determine

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29 the amount of the surcharge; providing for future
30 expiration of provisions authorizing the surcharge;
31 amending s. 377.6015, F.S.; providing that terms for
32 members of the Florida Energy and Climate Commission
33 begin and end on specified dates; amending s. 377.705,
34 F.S.; requiring the Solar Energy Center to charge
35 testing fees; directing the Florida Building
36 Commission to make all changes to the building and
37 energy codes necessary to conform to this act;
38 providing that if a specified commissioner of the
39 Florida Energy and Climate Commission is not confirmed
40 during the 2009 Regular Session or the 2010 Regular
41 Session, the commissioner's appointment shall be
42 extended until May 1, 2010, except for any member who,
43 during that time, the Senate expressly refuses to
44 confirm; requiring the Florida Energy and Climate
45 Commission to obtain the approval of the joint
46 Legislative Budget Commission before spending or
47 disbursing any funds received from the federal
48 government as part of a federal stimulus package;
49 amending s. 403.503, F.S.; revising the definition of
50 "electrical power plant"; amending s. 525.09, F.S.;
51 imposing a fee on alternative fuel containing alcohol;
52 requiring the Florida Energy and Climate Commission to
53 prepare a report that identifies ways in which to
54 increase the energy-efficiency practices of low-income
55 households; requiring the report to include certain
56 determinations and recommendations; requiring that the
57 report be submitted to the Legislature by a specified

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58 date; providing an effective date.

59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 Section 1. Section 366.92, Florida Statutes, is amended to
63 read:

64 366.92 Florida clean renewable energy policy.—

65 (1) It is the intent of the Legislature to promote the
66 development of clean and renewable energy; protect the economic
67 viability of Florida's existing renewable energy facilities;
68 diversify the types of fuel used to generate electricity in
69 Florida; lessen Florida's dependence on natural gas and fuel oil
70 for the production of electricity; minimize the volatility of
71 fuel costs; encourage investment within the state; improve
72 environmental conditions; and, at the same time, minimize the
73 costs of power supply to electric utilities and their customers.

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

75 (a) "Class I clean energy source" means Florida clean
76 energy resources derived from wind or solar photovoltaic
77 systems.

78 (b) "Class II clean energy source" means clean energy
79 derived from Florida clean energy resources other than class I
80 clean energy sources or class III clean energy sources.

81 (c) "Class III clean energy source" means clean energy
82 derived from nuclear energy or any fossil fuel generation for
83 which carbon capture and sequestration plans have been approved
84 by the Department of Environmental Protection or from use of
85 pipeline-quality synthetic gas produced by processing waste
86 petroleum coke with carbon capture and sequestration plans

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87 approved by the state or federal authority having jurisdiction.

88 (d) "Clean energy" means electrical energy produced from a
89 method that uses one or more of the following fuels or energy
90 sources: nuclear energy placed in commercial service after July
91 1, 2009; any fossil fuel generation for which carbon capture and
92 sequestration plans have been approved by the Department of
93 Environmental Protection; hydrogen produced from sources other
94 than fossil fuels, biomass, solar photovoltaic, geothermal
95 energy, wind energy, ocean energy, or hydroelectric power. The
96 term includes waste heat from sulfuric acid manufacturing
97 operations; waste heat thermal energy which is produced by a
98 combined heat and power system placed in service in this state
99 after July 1, 2009, and which is used to produce biofuel and any
100 associated coproducts; energy produced using pipeline-quality
101 synthetic gas produced by processing waste petroleum coke with
102 carbon capture and sequestration plans approved by the state or
103 federal authority having jurisdiction; and energy produced using
104 biodiesel.

105 (e) "Combined heat and power system" means a system that
106 simultaneously or sequentially generates electricity and thermal
107 energy from the same primary energy source.

108 (f) ~~(a)~~ "Florida clean ~~renewable~~ energy resources" means
109 clean ~~renewable~~ energy, ~~as defined in s. 377.803,~~ that is
110 produced in Florida.

111 (g) ~~(b)~~ "Provider" means a "utility" as defined in s.
112 366.8255(1) (a) .

113 ~~(c) "Renewable energy" means renewable energy as defined in~~
114 ~~s. 366.91(2) (d).~~

115 (h) ~~(d)~~ "Clean Renewable energy credit" ~~or "REC"~~ means a

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116 product that represents the unbundled, separable, clean
117 ~~renewable~~ attribute of clean ~~renewable~~ energy produced in
118 Florida and is equivalent to 1 megawatt-hour of electricity
119 generated by a source of clean ~~renewable~~ energy located in
120 Florida. For combined heat and power systems placed in service
121 in this state after July 1, 2009, one clean energy credit shall
122 be produced for every 3.412 million British thermal units of
123 waste heat thermal energy used to produce biofuel and any
124 associated coproducts.

125 (i)-(e) "Clean Renewable portfolio standard" or "RPS" means
126 the minimum percentage of total annual retail electricity sales
127 by a public utility a provider to consumers in Florida which is
128 that shall be supplied by clean renewable energy or through the
129 purchase of clean energy credits from clean energy produced in
130 Florida.

131 (3) (a) Each public utility must meet or exceed the
132 following clean portfolio standards through the production of
133 clean energy or the purchase of clean energy credits:

134 1. By January 1, 2013, 7 percent of the previous years'
135 retail electricity sales;

136 2. By January 1, 2016, 12 percent of the previous years'
137 retail electricity sales;

138 3. By January 1, 2019, 18 percent of the previous years'
139 retail electricity sales; and

140 4. By January 1, 2021, 20 percent of the previous years'
141 retail electricity sales.

142
143 No more than 25 percent of the amount of the clean portfolio
144 standard requirement for each year may be from Class III clean

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145 energy sources. For the production or procurement of Class III
146 clean energy, a Florida utility that is a member of the
147 Southeastern Electric Reliability Council may co-own or purchase
148 energy from a Class III clean energy source located in another
149 state and owned by an affiliate in a holding company with multi-
150 state dispatch.

151 (b) Except as otherwise provided in this section, an
152 investor-owned electric utility that fails to meet or exceed its
153 clean portfolio standard is subject to a penalty pursuant to s.
154 366.095 for each day such failure continues, and the penalty may
155 not be recovered from the utility's ratepayers. No electric
156 utility shall be required to produce or purchase any Class III
157 clean energy, nor be fined or deemed imprudent for not acquiring
158 any energy from a Class III clean energy source in order to
159 achieve the clean energy standards provided in this section.

160 (c) The commission shall excuse an investor-owned electric
161 utility from compliance with the clean portfolio standard if:

162 1. The supply of clean energy and clean energy credits is
163 not adequate to satisfy the clean portfolio standard; or

164 2. The cost of producing clean energy or purchasing clean
165 energy credits is prohibitive in that the total costs of
166 compliance with the clean portfolio standard exceeds 2 percent
167 of the investor-owned electric utility's total annual revenue
168 from retail sales of electricity.

169 (d) The cost of compliance with the clean portfolio
170 standards includes:

171 1. The costs associated with the purchase of clean energy
172 credits;

173 2. The costs paid by the utility which are associated with

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174 the clean energy credit market; and

175 3. The utility's costs of its self-build Florida clean
176 energy resource which exceed the costs to the utility of the
177 generation source it would have otherwise built or the energy or
178 capacity, or both, it would have purchased from another source.

179
180 Expenses for Class III clean energy sources may not be included
181 in calculating the cost of compliance.

182 (e) The cost of compliance must be allocated separately for
183 Class I and Class II clean energy sources and, for each class,
184 the total cost of compliance is prohibitive if the costs exceed
185 1 percent of the investor-owned electric utility's total annual
186 revenue from retail sales of electricity.

187 (f) Each investor-owned electric utility seeking to
188 construct a Florida clean energy project must select the
189 technology and project most likely to be cost-effective for the
190 general body of ratepayers for that class of clean energy
191 technology. In determining the most cost-effective construction
192 option and in purchasing clean energy credits, an investor-owned
193 utility shall seek the least-cost alternatives within each class
194 of clean energy sources. The method of determining the least-
195 cost alternative shall be determined by the commission and may
196 include requests for proposals, auctions, or other methods.

197 (g) A clean energy credit remains the property of the owner
198 of the clean energy resource from which it was derived until it
199 is sold or transferred.

200 (4)(3) The commission shall adopt rules providing
201 requirements for:

202 (a) Implementing the clean ~~a renewable~~ portfolio standard.

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203 (b) Determining the method of establishing least-cost
204 options for the construction of facilities or the purchase of
205 clean energy credits.

206 (c) Determining what entities are eligible to produce clean
207 energy credits.

208 (d) Establishing the method for the recovery of costs or
209 expenses prudently incurred to meet the clean portfolio standard
210 as those costs are defined in paragraph (3) (d). The commission
211 may allow cost recovery through a separate cost recovery clause
212 or a limited scope proceeding. The costs of compliance with the
213 clean portfolio standard must appear as a separate line item on
214 each customer's bill.

215 (e) Filing reports concerning compliance by utilities with
216 the clean portfolio standard.

217 (f) Creating a clean energy credit market requiring each
218 provider to supply renewable energy to its customers directly,
219 by procuring, or through renewable energy credits. In developing
220 the RPS rule, the commission shall consult the Department of
221 Environmental Protection and the Florida Energy and Climate
222 Commission. The rule shall not be implemented until ratified by
223 the Legislature. The commission shall present a draft rule for
224 legislative consideration by February 1, 2009.

225 ~~(a) In developing the rule, the commission shall evaluate~~
226 ~~the current and forecasted levelized cost in cents per kilowatt~~
227 ~~hour through 2020 and current and forecasted installed capacity~~
228 ~~in kilowatts for each renewable energy generation method through~~
229 ~~2020.~~

230 ~~(b) The commission's rule:~~

231 ~~1. Shall include methods of managing the cost of compliance~~

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232 ~~with the renewable portfolio standard, whether through direct~~
233 ~~supply or procurement of renewable power or through the purchase~~
234 ~~of renewable energy credits. The commission shall have~~
235 ~~rulemaking authority for providing annual cost recovery and~~
236 ~~incentive based adjustments to authorized rates of return on~~
237 ~~common equity to providers to incentivize renewable energy.~~
238 ~~Notwithstanding s. 366.91(3) and (4), upon the ratification of~~
239 ~~the rules developed pursuant to this subsection, the commission~~
240 ~~may approve projects and power sales agreements with renewable~~
241 ~~power producers and the sale of renewable energy credits needed~~
242 ~~to comply with the renewable portfolio standard. In the event of~~
243 ~~any conflict, this subparagraph shall supersede s. 366.91(3) and~~
244 ~~(4). However, nothing in this section shall alter the obligation~~
245 ~~of each public utility to continuously offer a purchase contract~~
246 ~~to producers of renewable energy.~~

247 ~~2. Shall provide for appropriate compliance measures and~~
248 ~~the conditions under which noncompliance shall be excused due to~~
249 ~~a determination by the commission that the supply of renewable~~
250 ~~energy or renewable energy credits was not adequate to satisfy~~
251 ~~the demand for such energy or that the cost of securing~~
252 ~~renewable energy or renewable energy credits was cost~~
253 ~~prohibitive.~~

254 ~~3. May provide added weight to energy provided by wind and~~
255 ~~solar photovoltaic over other forms of renewable energy, whether~~
256 ~~directly supplied or procured or indirectly obtained through the~~
257 ~~purchase of renewable energy credits.~~

258 ~~4. Shall determine an appropriate period of time for which~~
259 ~~renewable energy credits may be used for purposes of compliance~~
260 ~~with the renewable portfolio standard.~~

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261 ~~5. Shall provide for monitoring of compliance with and~~
262 ~~enforcement of the requirements of this section.~~

263 ~~6. Shall ensure that energy credited toward compliance with~~
264 ~~the requirements of this section is not credited toward any~~
265 ~~other purpose.~~

266 ~~7. Shall include procedures to track and account for~~
267 ~~renewable energy credits, including ownership of renewable~~
268 ~~energy credits that are derived from a customer-owned renewable~~
269 ~~energy facility as a result of any action by a customer of an~~
270 ~~electric power supplier that is independent of a program~~
271 ~~sponsored by the electric power supplier.~~

272 ~~8. Shall provide for the conditions and options for the~~
273 ~~repeal or alteration of the rule in the event that new~~
274 ~~provisions of federal law supplant or conflict with the rule.~~

275 ~~(c) Beginning on April 1 of the year following final~~
276 ~~adoption of the commission's renewable portfolio standard rule,~~
277 ~~each provider shall submit a report to the commission describing~~
278 ~~the steps that have been taken in the previous year and the~~
279 ~~steps that will be taken in the future to add renewable energy~~
280 ~~to the provider's energy supply portfolio. The report shall~~
281 ~~state whether the provider was in compliance with the renewable~~
282 ~~portfolio standard during the previous year and how it will~~
283 ~~comply with the renewable portfolio standard in the upcoming~~
284 ~~year.~~

285 (5) By February 1, 2010, and each year thereafter, the
286 commission shall submit a report to the Legislature detailing
287 further rulemaking activities, developments in the production of
288 clean energy, how much and what types of clean energy are
289 available in various regions of the state and at what cost, and

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290 any impediments to further increases in the production of clean
291 energy in this state.

292 (6)~~(4)~~ In order to demonstrate the feasibility and
293 viability of clean energy systems, the commission shall provide
294 for full cost recovery under the environmental cost-recovery
295 clause of all reasonable and prudent costs incurred by a
296 provider for renewable energy projects that are zero greenhouse
297 gas emitting at the point of generation, up to a total of 110
298 megawatts statewide, and for which the provider has secured
299 necessary land, zoning permits, and transmission rights within
300 the state. Such costs shall be deemed reasonable and prudent for
301 purposes of cost recovery so long as the provider has used
302 reasonable and customary industry practices in the design,
303 procurement, and construction of the project in a cost-effective
304 manner appropriate to the location of the facility. The provider
305 shall report to the commission as part of the cost-recovery
306 proceedings the construction costs, in-service costs, operating
307 and maintenance costs, hourly energy production of the renewable
308 energy project, and any other information deemed relevant by the
309 commission. Any provider constructing a clean energy facility
310 pursuant to this section shall file for cost recovery no later
311 than July 1, 2009.

312 (7)~~(5)~~ Each municipal electric utility and rural electric
313 cooperative shall develop standards for the promotion,
314 encouragement, and expansion of the use of renewable energy
315 resources and energy conservation and efficiency measures. On or
316 before April 1, 2009, and annually thereafter, each municipal
317 electric utility and electric cooperative shall submit to the
318 commission a report that identifies such standards.

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319 ~~(8)(6) Nothing in This section does not shall be construed~~
320 ~~to~~ impede or impair terms and conditions of existing contracts.

321 ~~(9)(7) The commission may adopt rules to administer and~~
322 ~~implement the provisions of this section.~~

323 Section 2. Subsection (4) of section 366.93, Florida
324 Statutes, is amended, and subsection (7) is added to that
325 section, to read:

326 366.93 Cost recovery for the siting, design, licensing, and
327 construction of nuclear and integrated gasification combined
328 cycle power plants.—

329 (4) When the nuclear or integrated gasification combined
330 cycle power plant is placed in commercial service, the utility
331 shall be allowed to increase its base rate charges by the
332 projected annual revenue requirements of the nuclear or
333 integrated gasification combined cycle power plant based on the
334 jurisdictional annual revenue requirements of the plant for the
335 first 12 months of operation. The rate of return on capital
336 investments shall be calculated using the utility's rate of
337 return last approved by the commission prior to the commercial
338 inservice date of the nuclear or integrated gasification
339 combined cycle power plant. If any existing generating plant is
340 retired as a result of operation of the nuclear or integrated
341 gasification combined cycle power plant, the commission shall
342 allow for the recovery, through an increase in base rate
343 charges, of the net book value of the retired plant over a
344 period not to exceed 5 years or, if the commission determines
345 that it would be more cost-effective to convert the existing
346 generating plant to a biomass plant, allow for the recovery of
347 the costs of conversion in base rate charges over a period that

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348 is determined by the commission.

349 (7) In order to further promote the development of nuclear
350 electrical generation and minimize the financial risk to any one
351 utility associated with the construction of a nuclear power
352 plant, electric utilities in this state are encouraged to pursue
353 the joint ownership of nuclear power plants.

354 Section 3. Section 366.99, Florida Statutes, is created to
355 read:

356 366.99 Natural gas delivery; surcharge for carbon
357 reduction.—

358 (1) This section may be cited as the "Natural Gas Act."

359 (2) It is the intent of the Legislature to promote the
360 expanded direct end use of natural gas for its inherent energy
361 efficiency and environmental benefits.

362 (3) As used in this section, the term "eligible
363 installations" means natural gas utility facilities that:

364 (a) Connect supply sources of natural gas to a distribution
365 system that serves primarily residential customers;

366 (b) Are in service and used and useful in providing utility
367 service;

368 (c) Were not included in the utility's rate base for
369 purposes of determining the utility's base rate in the most
370 recent general base-rate proceedings; and

371 (d) Consist of mains that are greater than or equal to 4
372 inches in diameter or that are certified to operate at a maximum
373 allowable operating pressure greater than 60 pounds per square
374 inch gauge, together with associated valves, regulator stations,
375 vaults, transmission line taps, and other pipeline system
376 components.

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377 (4) Notwithstanding any provision in this chapter or rule
378 to the contrary, a public utility, as defined in s. 366.02,
379 which is providing natural gas service may petition the
380 commission to establish or modify a carbon-reduction surcharge
381 to be used to construct eligible installations in areas of this
382 state which are unserved or underserved with natural gas
383 service. The surcharge shall be recovered through a cost-
384 recovery clause, separate and distinct from a utility's base
385 rates, using the same allocation methodology applicable to the
386 utility's recovery of costs recoverable pursuant to the Energy
387 Conservation Cost Recovery Rule, rule 25-17.015, Florida
388 Administrative Code. The surcharge is to recover the utility's
389 revenue requirement relevant to construction of the eligible
390 installations and shall be in the amount of the pretax revenues
391 equal to:

392 (a) The utility's weighted average cost of capital allowed
393 in the most recent rate proceeding multiplied by the 13-month
394 average net book value of eligible installations, including
395 recognition of accumulated depreciation associated with eligible
396 installations;

397 (b) State, federal, and local income taxes;

398 (c) Ad valorem taxes; and

399 (d) Depreciation expenses on eligible installations.

400 (5) When a petition is filed by a utility, the commission
401 shall conduct a limited proceeding and determine the utility's
402 revenue requirements and the surcharge to be charged in the
403 following year.

404 (6) The petition must contain:

405 (a) An estimation of the utility's revenue requirements and

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406 carbon-reduction surcharge collections for the following year.

407 (b) If a carbon-reduction surcharge has previously been
408 established, an annual true-up filing showing the actual
409 eligible installation costs and actual carbon-reduction
410 surcharge revenues for the most recent 12-month period from
411 January 1 through December 31 which ends before the annual
412 petition filing, including a comparison of the actual eligible
413 installation costs and carbon-reduction surcharge revenues to
414 the estimated total eligible installation costs and carbon-
415 reduction surcharge revenues previously reported for the same
416 period. The filing shall also include the over-or-under recovery
417 of total carbon-reduction surcharge revenue requirements for the
418 true-up period.

419 (7) The utility shall establish separate accounts or
420 subaccounts for each eligible installation for purposes of
421 recording the costs incurred for each project. The utility shall
422 also establish a separate account or subaccount for any revenues
423 derived from specific carbon-reduction surcharges.

424 (8) An eligible installation shall be included for the
425 purposes of calculating revenue requirements for no more than 5
426 years.

427 (9) The total amount of carbon-reduction surcharge revenue
428 in effect in any 1 year may not exceed 2 percent of the
429 utility's total annual nonfuel revenue for the previous year.

430 (10) This section expires December 31, 2014, unless
431 reviewed and reenacted by the Legislature before that date.
432 However, the procedures and other applicable provisions in this
433 section and the carbon-reduction surcharges approved pursuant to
434 this section shall remain in effect for the full term of all

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435 eligible installations approved by the commission before
436 December 31, 2014.

437 Section 4. Paragraph (a) of subsection (1) of section
438 377.6015, Florida Statutes, is amended to read:

439 377.6015 Florida Energy and Climate Commission.—

440 (1) The Florida Energy and Climate Commission is created
441 within the Executive Office of the Governor. The commission
442 shall be comprised of nine members appointed by the Governor,
443 the Commissioner of Agriculture, and the Chief Financial
444 Officer.

445 (a) The Governor shall appoint one member from three
446 persons nominated by the Florida Public Service Commission
447 Nominating Council, created in s. 350.031, to each of seven
448 seats on the commission. The Commissioner of Agriculture shall
449 appoint one member from three persons nominated by the council
450 to one seat on the commission. The Chief Financial Officer shall
451 appoint one member from three persons nominated by the council
452 to one seat on the commission.

453 1. The council shall submit the recommendations to the
454 Governor, the Commissioner of Agriculture, and the Chief
455 Financial Officer by September 1 of those years in which the
456 terms are to begin the following October or within 60 days after
457 a vacancy occurs for any reason other than the expiration of the
458 term. The Governor, the Commissioner of Agriculture, and the
459 Chief Financial Officer may proffer names of persons to be
460 considered for nomination by the council.

461 2. The Governor, the Commissioner of Agriculture, and the
462 Chief Financial Officer shall fill a vacancy occurring on the
463 commission by appointment of one of the applicants nominated by

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464 the council only after a background investigation of such
465 applicant has been conducted by the Department of Law
466 Enforcement.

467 3. Members shall be appointed to 3-year terms; however, in
468 order to establish staggered terms, for the initial
469 appointments, the Governor shall appoint four members to 3-year
470 terms, two members to 2-year terms, and one member to a 1-year
471 term, and the Commissioner of Agriculture and the Chief
472 Financial Officer shall each appoint one member to a 3-year term
473 and shall appoint a successor when that appointee's term expires
474 in the same manner as the original appointment. The terms of
475 members shall begin on October 1 and end on September 30.

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

478 5. A vacancy on the commission shall be filled for the
479 unexpired portion of the term in the same manner as the original
480 appointment.

481 6. If the Governor, the Commissioner of Agriculture, or the
482 Chief Financial Officer has not made an appointment within 30
483 consecutive calendar days after the receipt of the
484 recommendations, the council shall initiate, in accordance with
485 this section, the nominating process within 30 days.

486 7. Each appointment to the commission shall be subject to
487 confirmation by the Senate during the next regular session after
488 the vacancy occurs. If the Senate refuses to confirm or fails to
489 consider the appointment of the Governor, the Commissioner of
490 Agriculture, or the Chief Financial Officer, the council shall
491 initiate, in accordance with this section, the nominating
492 process within 30 days.

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493 8. The Governor or the Governor's successor may recall an
494 appointee.

495 Section 5. Section 377.705, Florida Statutes, is amended to
496 read:

497 377.705 Solar Energy Center; development of solar energy
498 standards.—

499 (1) SHORT TITLE.—This section ~~act shall be known and~~ may be
500 cited as the "Solar Energy Standards Act" ~~of 1976~~.

501 (2) LEGISLATIVE FINDINGS AND INTENT.—

502 (a) Because of increases in the cost of conventional fuel,
503 certain applications of solar energy are becoming competitive,
504 particularly when life-cycle costs are considered. It is the
505 intent of the Legislature in formulating a sound and balanced
506 energy policy for the state to encourage the development of an
507 alternative energy capability in the form of incident solar
508 energy.

509 (b) Toward this purpose, the Legislature intends to provide
510 incentives for the production and sale of, and to set standards
511 for, solar energy systems. Such standards must ~~shall~~ ensure that
512 solar energy systems manufactured or sold within the state are
513 effective and represent a high level of quality of materials,
514 workmanship, and design.

515 (3) DEFINITIONS.—As used in this section, the term:

516 (a) "Center" means ~~is defined as~~ the Florida Solar Energy
517 Center of the Board of Governors.

518 (b) "Solar energy systems" means ~~is defined as~~ equipment
519 that ~~which~~ provides for the collection and use of incident solar
520 energy for water heating, space heating or cooling, or other
521 applications that ~~which~~ normally require ~~or would require~~ a

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522 conventional source of energy such as petroleum products,
523 natural gas, or electricity, and that ~~which~~ performs primarily
524 with solar energy. In ~~such other~~ systems in which solar energy
525 is used in a supplemental way, only those components that ~~which~~
526 collect and transfer solar energy are ~~shall be~~ included in this
527 definition.

528 ~~(4) FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE~~
529 ~~DISCLOSURE, SET TESTING FEES.-~~

530 ~~(a) The center shall develop and promulgate standards for~~
531 ~~solar energy systems manufactured or sold in this state based on~~
532 ~~the best currently available information and shall consult with~~
533 ~~scientists, engineers, or persons in research centers who are~~
534 ~~engaged in the construction of, experimentation with, and~~
535 ~~research of solar energy systems to properly identify the most~~
536 ~~reliable designs and types of solar energy systems.~~

537 ~~(b) The center shall select nationally-recognized standards~~
538 ~~for solar energy systems and establish criteria for testing the~~
539 ~~performance of solar energy systems and shall maintain the~~
540 ~~necessary capability for testing or evaluating the performance~~
541 ~~of solar energy systems. The center may accept results of tests~~
542 ~~on solar energy systems made by other organizations, companies,~~
543 ~~or persons when such tests are conducted according to the~~
544 ~~criteria established by the center and when the testing entity~~
545 ~~has no vested interest in the manufacture, distribution or sale~~
546 ~~of solar energy systems.~~

547 ~~(5)(e) FEES.~~The center shall charge ~~be entitled to receive~~
548 a testing fee sufficient to cover the costs of such testing. All
549 testing fees shall be transmitted by the center to the Chief
550 Financial Officer to be deposited in the Solar Energy Center

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551 Testing Trust Fund, which is hereby created in the State
552 Treasury, and disbursed for the payment of expenses incurred in
553 testing solar energy systems.

554 (6)-(d) All solar energy systems manufactured or sold in the
555 state must meet the nationally-recognized standards selected
556 ~~established~~ by the center and shall display accepted results of
557 approved performance tests in a manner prescribed by the center.

558 Section 6. The Florida Building Commission is directed to
559 make all changes to the building and energy codes necessary to
560 conform those rules to this bill.

561 Section 7. Subsection (14) of section 403.503, Florida
562 Statutes, is amended to read:

563 403.503 Definitions relating to Florida Electrical Power
564 Plant Siting Act.—As used in this act:

565 (14) "Electrical power plant" means, for the purpose of
566 certification, any steam ~~or solar~~ electrical generating facility
567 using any process or fuel, including nuclear materials, except
568 that this term does not include any steam ~~or solar~~ electrical
569 generating facility of less than 75 megawatts in capacity unless
570 the applicant for such a facility elects to apply for
571 certification under this act. This term also includes the site;
572 all associated facilities that will be owned by the applicant
573 that are physically connected to the site; all associated
574 facilities that are indirectly connected to the site by other
575 proposed associated facilities that will be owned by the
576 applicant; and associated transmission lines that will be owned
577 by the applicant which connect the electrical power plant to an
578 existing transmission network or rights-of-way to which the
579 applicant intends to connect. At the applicant's option, this

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580 term may include any offsite associated facilities that will not
581 be owned by the applicant; offsite associated facilities that
582 are owned by the applicant but that are not directly connected
583 to the site; any proposed terminal or intermediate substations
584 or substation expansions connected to the associated
585 transmission line; or new transmission lines, upgrades, or
586 improvements of an existing transmission line on any portion of
587 the applicant's electrical transmission system necessary to
588 support the generation injected into the system from the
589 proposed electrical power plant.

590 Section 8. Subsections (1) and (3) of section 525.09,
591 Florida Statutes, are amended to read:

592 525.09 Inspection fee.—

593 (1) For the purpose of defraying the expenses incident to
594 inspecting, testing, and analyzing petroleum fuels in this
595 state, there shall be paid to the department a charge of one-
596 eighth cent per gallon on all gasoline, alternative fuel
597 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
598 kerosene that is not ~~(except when~~ used as aviation turbine
599 fuel), and #1 fuel oil for sale or use in this state. This
600 inspection fee shall be imposed in the same manner as the motor
601 fuel tax pursuant to s. 206.41. Payment shall be made on or
602 before the 25th day of each month.

603 (3) All remittances to the department for the inspection
604 tax herein provided shall be accompanied by a detailed report
605 under oath showing the number of gallons of gasoline,
606 alternative fuel containing alcohol as defined in s.
607 525.01(1)(c)1. or 2., kerosene, or fuel oil sold and delivered
608 in each county.

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609 Section 9. (1) The Florida Energy and Climate Commission
610 shall prepare a report that:

611 (a) Identifies methods of increasing energy-efficiency
612 practices among low-income households as defined in ss. 420.9071
613 and 421.03, Florida Statutes. The commission shall, at a
614 minimum, identify energy-efficiency programs that are currently
615 offered to low-income households by community action agencies,
616 community-based organizations, and utility companies in this
617 state and similar programs that are offered to low-income
618 households in other states.

619 (b) Determines the statewide impact of improving the level
620 of the energy efficiency of rental housing stock, including, but
621 not limited to, the environmental benefits of such improvements
622 and the potential fiscal impact with respect to property
623 tenants, owners, and landlords and to the economy. The
624 commission shall consider the relative equity and economic
625 efficiency of the cost-share for such energy-efficiency
626 improvements.

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

629 (2) The commission shall submit the report to the President
630 of the Senate and the Speaker of the House of Representatives by
631 December 1, 2009.

632 Section 10. The term of any person sitting as a member of
633 the Florida Energy and Climate Commission on March 3, 2009,
634 whose appointment is not confirmed by the Senate during the 2009
635 Regular Session or the 2010 Regular Session, shall be extended
636 until completion of the 2010 Regular Session, except for any
637 member who, during that time, the Senate expressly refuses to

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638 confirm.

639 Section 11. The Florida Energy and Climate Commission must
640 obtain the approval of the joint Legislative Budget Commission
641 before spending or disbursing any funds received from the
642 federal government as part of a federal stimulus package.

643 Section 12. This act shall take effect July 1, 2009.